

Attachment 1- Capital Facilities Impact Analysis (Eastern)
ZMAP 2005-0019, Belmont Estates

TOTAL PROJECTED CAPITAL FACILITIES IMPACT

The total projected capital facilities impact of the proposed development is calculated using the approved capital intensity factors for the proposed unit mix. Revised Capital Intensity Factors (CIFs) were adopted by the Board of Supervisors on July 21, 2009.

<i>Housing Type</i>	<i>Total Number of Units</i>	<i>Capital Intensity Factors</i>	<i>Projected Capital Facilities Impact</i>
Single-Family Detached (SFD)	22	\$59,470	\$1,308,340
Single-Family Attached (SFA)	48	\$40,385	\$1,938,480
Multi-Family (MF)	0	\$23,758	\$0
TOTAL	70		\$3,246,820

70 Total Units \$3,246,820 Total Projected Capital Facilities Impact

ANTICIPATED CAPITAL FACILITIES CONTRIBUTION

The anticipated capital facilities contribution of the proposed development takes into account Affordable Dwelling Units (ADUs) and the number of units permitted by the base density. According to a resolution passed by the Board of Supervisors on February 15, 2005, the base density and base unit type of a type of property should be calculated using the current zoning of the property.

1. Number of Market Rate Units Subject to Capital Facilities Proffer Guidelines

<i>Housing Type</i>	<i>Total Number of Units</i>	<i>Number of Proposed ADUs</i>	<i>Number of Market Rate Units</i>
Single-Family Detached (SFD)	22	0	22
Single-Family Attached (SFA)	48	9	39
Multi-Family (MF)	0	0	0
TOTAL	70	9	61

2. Capital Facilities Calculations for Market Rate Units

<i>Housing Type</i>	<i>Total Number of Market Rate Units</i>	<i>Capital Intensity Factors</i>	<i>Capital Facilities Calculations for Market Rate Units</i>
Single-Family Detached (SFD)	21	\$59,470	\$1,248,870
Single-Family Attached (SFA)	39	\$40,385	\$1,575,015
Multi-Family (MF)	0	\$23,758	\$0
TOTAL	60		\$2,823,885

3. Capital Facility Credit for Base Density Units assuming Single Family Detached Dwellings

<i>Zoning District</i>	<i>Acres</i>	<i>Density Permitted By-right (du/acre)</i>	<i>Base Density Units</i>	<i>Capital Intensity Factor</i>	<i>Capital Facility Credit for Base Density Units</i>
R-1	20.59	1	19	\$59,470	\$1,129,930
0	0.00	0	0	\$59,470	\$0
0	0.00	0	0	\$59,470	\$0
TOTAL			19		\$1,129,930

4. Anticipated Capital Facilities Contribution

\$2,823,885 - \$1,129,930 = \$1,693,955

\$1,693,955 Anticipated Capital Facilities Contribution

ATTACHMENT 1
 Created on August 24, 2010

1. MAMMOTTA

County of Loudoun

Office of Transportation Services

MEMORANDUM

DATE: July 2, 2010

TO: Jane McCarter, AICP, Project Manager
Department of Planning

FROM: Lou Mosurak, AICP, Senior Coordinator *LM*

SUBJECT: ZMAP 2005-0019—Belmont Estates
Fourth Referral

Background

This referral reviews a revised traffic study, prepared by the Applicant at the request of the Planning Commission, as well as other revised materials for this rezoning (ZMAP) application. The application proposes to rezone approximately 20.6 acres from CR-1, CR-2 and R-1 to PD-H4 to develop a total of 70 residential units (22 single family detached (SFD) dwelling units and 48 townhouse units). The site is located on the west side of existing Stubble Road (Route 647) north of Ashburn Road (Route 641) in the Suburban Policy Area (Ashburn Community). Access is proposed from an extension of existing Deerview Drive (Route 2157) from Gloucester Parkway (Route 2150), as well as via an unpaved segment of Stubble Road. The Applicant proposes a roundabout at the site entrance where Deerview Drive transitions into Stubble Road. The existing segment of Stubble Road north of this point to Graves Lane would be abandoned. A vicinity map is provided as **Attachment 1**.

This review is based on materials received by the Office of Transportation Services (OTS) from the Department of Planning on March 16, 2010, including (1) a letter responding to December 10, 2009 Planning Commission Worksession comments, dated March 12, 2010; (2) a revised statement of justification dated May 9, 2005 and revised through March 12, 2010; (3) a traffic impact study, prepared by T3 Design, dated March 2010; (4) a revised plan set (including a concept development plan), prepared by Urban, Ltd., dated June 27, 2005 and revised through March 8, 2010; and (5) a draft proffer statement, dated December 2, 2009 and revised through March 12, 2010.

Review of Applicant's Revised Traffic Study

The Applicant's most recent traffic study (dated March 2010) replaces previous versions of the study. Buildout of the site is assumed in a single phase in 2013. A total of four existing intersections and one future intersection (the site entrance) are analyzed by the study. Adjacent roadway links (Gloucester Parkway, Ashburn Road) are also analyzed. The study reviews existing, background (without the proposed development) and total future conditions (with the proposed development). For the total future condition, two access alternatives are analyzed: Alternative 1 assumes access only via Deerview Drive to Gloucester Parkway

ATTACHMENT 2-1

(with no connection to Stubble Road), while Alternative 2 assumes a two-lane paved road connection between Deerview Drive and Stubble Road. Within Alternative 2, the study reviews two possible scenarios at the site entrance – a roundabout and a T-intersection with side-street stop control. As currently proposed, the application most closely resembles Alternative 2, but with a gravel road connection south to Stubble Road. Relevant portions of the study are summarized below.

Existing Traffic Volumes and Intersection Levels of Service (LOS)

Existing roadway geometry (including lane use and traffic control) is illustrated on Figure 2 in **Attachment 2**. Existing daily and peak hour traffic volumes in the vicinity of the subject site are illustrated on Figure 3 in **Attachment 3**; these volumes are based on peak hour intersection counts and selected 24-hour segment counts taken by the Applicant in the vicinity of the site in December 2009 and January 2010.

Existing intersection LOS in the vicinity of the site is illustrated on Figure 4 and Table 3 in **Attachments 4 and 5**. The study indicates that the northbound (Deerview Drive) and southbound (Laurel Ridge Drive) side street approaches at the unsignalized Gloucester Parkway intersection currently operate at LOS F in the AM peak hour. The study also notes that the eastbound through and right turn movements (shared eastbound through/right turn lane) at the signalized Gloucester Parkway/Ashburn Road intersection currently operate at LOS F in the AM peak hour; these movements degrade the overall AM peak hour level of service at this intersection to LOS F. All other intersections and movements analyzed in the study area operate at acceptable levels of service (LOS D or better).

The study also reviewed existing queuing issues and link LOS in the vicinity of the site, and notes that there is an existing queuing issue on eastbound Gloucester Parkway at Ashburn Road in the AM peak hour (link LOS for this segment in the AM peak hour is LOS F). The study notes that optimization of the traffic signal timing at the Gloucester Parkway/Ashburn Road intersection would mitigate existing queuing and LOS issues.

Background Conditions

The Applicant's traffic study indicates that due to regional background traffic growth, an annual increase of 2.5% was applied to Gloucester Parkway and a 1% annual increase was applied to Ashburn Road (the lower rate on Ashburn Road is a result of the closure of the direct Ashburn Road access to Route 7 in 2007 (direct access to Route 7 is now provided via Claiborne Parkway). Using these growth rates, background traffic volumes for 2013 (without the proposed development) are illustrated on Figure 5 in **Attachment 6**. Resulting intersection LOS under 2013 background conditions is shown on Figure 6 and Table 6 in **Attachments 7 and 8**. The study indicates that the northbound (Deerview Drive) and southbound (Laurel Ridge Drive) side street approaches at the unsignalized Gloucester Parkway intersection are forecast to operate at LOS F in the AM peak hour. All other analyzed intersections and movements in the study area are forecast to operate at acceptable levels of service (LOS D or better).

The study indicates that traffic signals are not warranted at either the Gloucester Parkway/Deerview Drive/Laurel Ridge Drive intersection or the Ashburn Road/Stubble Road intersection under background conditions in 2013.

The study reviewed queuing issues and link LOS in the vicinity of the site under background conditions, and notes that the queuing and link LOS issues identified on eastbound Gloucester Parkway under existing conditions are remedied assuming the optimization of the traffic signal timing at the Gloucester Parkway/Ashburn Road intersection takes place.

Trip Generation from Proposed Development

Trip generation for the proposed development is illustrated on Table 8 in **Attachment 9**. On a typical weekday, based on standard ITE Trip Generation rates (ITE 8th Edition), the proposed development program (22 single family detached units and 48 townhouse units) would generate 598 total daily trips. This daily figure includes 56 AM peak hour trips (12 in and 44 out) and 80 PM peak hour trips (51 in and 29 out).

Site Buildout Alternative 1 – Trip Distribution, Forecasted (2013) Traffic Volumes and Levels of Service (LOS) and Recommended Mitigation Measures

The assumed roadway geometry (including lane use and traffic control) for Alternative 1 (site access only from Deerview Drive) is illustrated on Figure 7 in **Attachment 10**. Trip distribution and assignment of site generated trips are illustrated on Figures 8 and 9 in **Attachments 11 and 12**, respectively. Total future traffic volumes under Alternative 1 are illustrated on Figure 10 in **Attachment 13**; the resulting intersection LOS analysis is shown on Figure 11 and Table 9 in **Attachments 14 and 15**. The study indicates that under Alternative 1, the unsignalized Gloucester Parkway/Deerview Drive/Laurel Ridge Drive intersection is forecast to operate at LOS E overall during the AM peak hour, with the northbound and southbound approaches operating at LOS F in the AM peak hour and LOS E in the PM peak hour. All other analyzed intersections and movements in the study area are forecast to operate at acceptable levels of service (LOS D or better).

The study indicates that peak hour traffic signal warrants (Warrant 3, using 70% volume threshold) are met at the Gloucester Parkway/Deerview Drive/Laurel Ridge Drive intersection under the Alternative 1 access scenario conditions in 2013, and that installation of a traffic signal at this location would improve would improve LOS to acceptable levels (LOS D or better). Without a traffic signal at this location, there would be significant side street delays in both the AM and PM peak hours (see Table 9 in **Attachment 15**).

The study reviewed queuing issues and link LOS in the vicinity of the site under Alternative 1, and notes that the queuing and link LOS issues identified on eastbound Gloucester Parkway under existing and background conditions are remedied assuming the optimization of the traffic signal timing at the Gloucester Parkway/Ashburn Road intersection takes place.

Site Buildout Alternative 2 – Trip Distribution, Forecasted (2013) Traffic Volumes and Levels of Service (LOS), and Recommended Mitigation Measures

The assumed roadway geometry (including lane use and traffic control) for Alternative 2 (site access from both Deerview Drive and Stubble Road) is illustrated on Figure 12 in

Attachment 16. The study assumed a two-lane paved section of Stubble Road to the south of the site entrance. Trip distribution and assignment of site generated trips are illustrated on Figures 13 and 14 in **Attachments 17 and 18**, respectively. Based on traffic patterns, travel times, and engineering judgment, the study assigned 47% of site-generated AM peak hour trips to Deerview Drive, and the remaining 53% to Stubble Road. Using the same factors, the study assigned 72% of site-generated PM peak hour trips to Deerview Drive, and the remaining 28% to Stubble Road. Total future traffic volumes under Alternative 2 are illustrated on Figure 15 in **Attachment 19**; the resulting intersection LOS analysis is shown on Figure 16 and Table 11 in **Attachments 20 and 21**. The study indicates that under Alternative 2, all intersections are forecast to operate at overall acceptable LOS (LOS D or better) during both peak hours, though the northbound (Deerview Drive) and southbound (Laurel Ridge Drive) side street approaches at the unsignalized Gloucester Parkway intersection are forecast to operate at LOS F in the AM peak hour and LOS E in the PM peak hour. The study notes that the delays on these approaches are much less significant than under Alternative 1, in which all site traffic uses Deerview Drive to Gloucester Parkway. These reduced delays are indicated on Table 11 in **Attachment 21**. The study indicates that traffic signals are not warranted at either the Gloucester Parkway/Deerview Drive/Laurel Ridge Drive intersection or the Ashburn Road/Stubble Road intersection under Alternative 2 in 2013.

The study analyzed the site entrance (new intersection) at Deerview Drive and Stubble Road as both a roundabout and as a T-intersection with side-street (site entrance) stop control. Under either configuration, this intersection is forecast to operate at LOS A during both the AM and PM peak hours.

The study reviewed queuing issues and link LOS in the vicinity of the site under Alternative 2, and notes that the queuing and link LOS issues identified on eastbound Gloucester Parkway under existing and background conditions are remedied assuming the optimization of the traffic signal timing at the Gloucester Parkway/Ashburn Road intersection takes place.

Transportation Issues/Comments

The following comments are based on OTS staff review of the Applicant's March 2010 Traffic Study and other application materials.

1. OTS concurs with the traffic study's recommendation that traffic signal timing needs to be optimized at the Gloucester Parkway/Ashburn Road intersection. With the opening of the Route 7/Claiborne Parkway interchange in 2007, traffic patterns have changed such that there is more traffic on Gloucester Parkway and less traffic on Ashburn Road. OTS has received other inquiries/communications from the public regarding the timing of this signal, and has relayed this information to VDOT. OTS staff will again follow up with VDOT to ensure that the appropriate signal timing changes have been made.
2. The traffic study notes that Alternative 2 (with the Deerview Drive/Stubble Road connection in place) results in better levels of service than Alternative 1 (without the street connection). OTS recommends that Alternative 2 be pursued, as this would result not only in better LOS (as indicated by the study) but also would result in increased street

connectivity, which is consistent with policies contained in the Revised General Plan and the Countywide Transportation Plan.

3. Given the traffic study's assumption that Stubble Road would be paved in Alternative 2, the Applicant's proposal (per draft Proffer VII.F.) to leave Stubble Road in an unpaved condition calls the validity of the study's results into question. The Applicant should construct a paved, two-lane section of Stubble Road (as assumed by the traffic study) to a standard that is acceptable to VDOT. OTS would support such an improvement as part of the Applicant's proposed regional transportation improvement contribution in the March 12, 2010 draft proffer statement (Proffer VII.B).
4. The Applicant's March 12, 2010 response letter indicates that the proposed roundabout would allow for "lower design speeds to be used on Deerview Drive, thereby reducing the impact of sight distance easements on adjacent lots." OTS is not opposed to a roundabout at the site entrance intersection, but notes that approval of such a feature rests with VDOT, and that further review and approval by VDOT is required. Final approval for the design of any road improvements and necessary easements falls under the purview of VDOT. Should a roundabout not be allowed at this location, the sight distance easements will need to meet applicable VDOT standards, and appropriate alternative intersection control (as determined by VDOT) should be provided.
5. The language regarding the construction of the Deerview Drive extension, proposed roundabout, and connection to Stubble Road (draft Proffers VII.D. and VII.F) should be revised to state that these improvements shall be under construction prior to the issuance of the first overall (not townhouse) zoning permit for the Property and open for use prior to the issuance of the first overall (not townhouse) occupancy permit for the Property.
6. The proposed cash in lieu amount for a traffic signal at the Gloucester Parkway/Deerview Drive/Laurel Ridge Drive intersection (draft Proffer VII.C) should be revised to \$275,000.00 to reflect current traffic signal costs.
7. The proposed transit capital costs contribution (Proffer VII.A) should be revised to \$575.00 per unit to reflect increased costs and for consistency with other recently approved residential applications.

Conclusion

The Office of Transportation Services has no recommendation at this time. A recommendation will be provided once the outstanding issues identified in this referral are addressed by the Applicant. Depending on the Applicant's responses, OTS may have additional comments. OTS staff is available to meet with the Applicant and VDOT staff for further discussion of this application.

ATTACHMENTS

1. Site Vicinity Map (Traffic Study Figure 1)
2. Existing Roadway Geometry (Lane Use and Traffic Control) (Traffic Study Figure 2)
3. Existing Traffic Volumes (Traffic Study Figure 3)

4. Existing Peak Hour Intersection LOS Graphic (Traffic Study Figure 4)
5. Existing Peak Hour Intersection LOS Table (Traffic Study Table 3)
6. Background Traffic Volumes (2013) (Traffic Study Figure 5)
7. Background Intersection LOS Graphic (2013) (Traffic Study Figure 6)
8. Background Intersection LOS Table (2013) (Traffic Study Table 6)
9. Site Trip Generation (Traffic Study Table 8)
10. Assumed Roadway Geometry (Buildout Alternative 1) (2013) (Traffic Study Figure 7)
11. Trip Distribution (Buildout Alternative 1) (2013) (Traffic Study Figure 8)
12. Trip Assignment (Buildout Alternative 1) (2013) (Traffic Study Figure 9)
13. Total Future Traffic Volumes (Buildout Alternative 1) (2013) (Traffic Study Figure 10)
14. Total Future Peak Hour Intersection LOS Graphic (Buildout Alternative 1) (2013) (Traffic Study Figure 11)
15. Total Future Peak Hour Intersection LOS Table (Buildout Alternative 1) (2013) (Traffic Study Table 9)
16. Assumed Roadway Geometry (Buildout Alternative 2) (2013) (Traffic Study Figure 12)
17. Trip Distribution (Buildout Alternative 2) (2013) (Traffic Study Figure 13)
18. Trip Assignment (Buildout Alternative 2) (2013) (Traffic Study Figure 14)
19. Total Future Traffic Volumes (Buildout Alternative 2) (2013) (Traffic Study Figure 15)
20. Total Future Peak Hour Intersection LOS Graphic (Buildout Alternative 2) (2013) (Traffic Study Figure 16)
21. Total Future Peak Hour Intersection LOS Table (Buildout Alternative 1) (2013) (Traffic Study Table 11)

cc: Andrew Beacher, Acting Director, OTS
Chuck Acker, Traffic Controller/Engineer, OTS
John Bassett, Transportation Engineer, VDOT
Tom VanPoole, Senior Transportation Engineer, VDOT

Figure 1: Belmont Estate - Roadway Network/Site Location

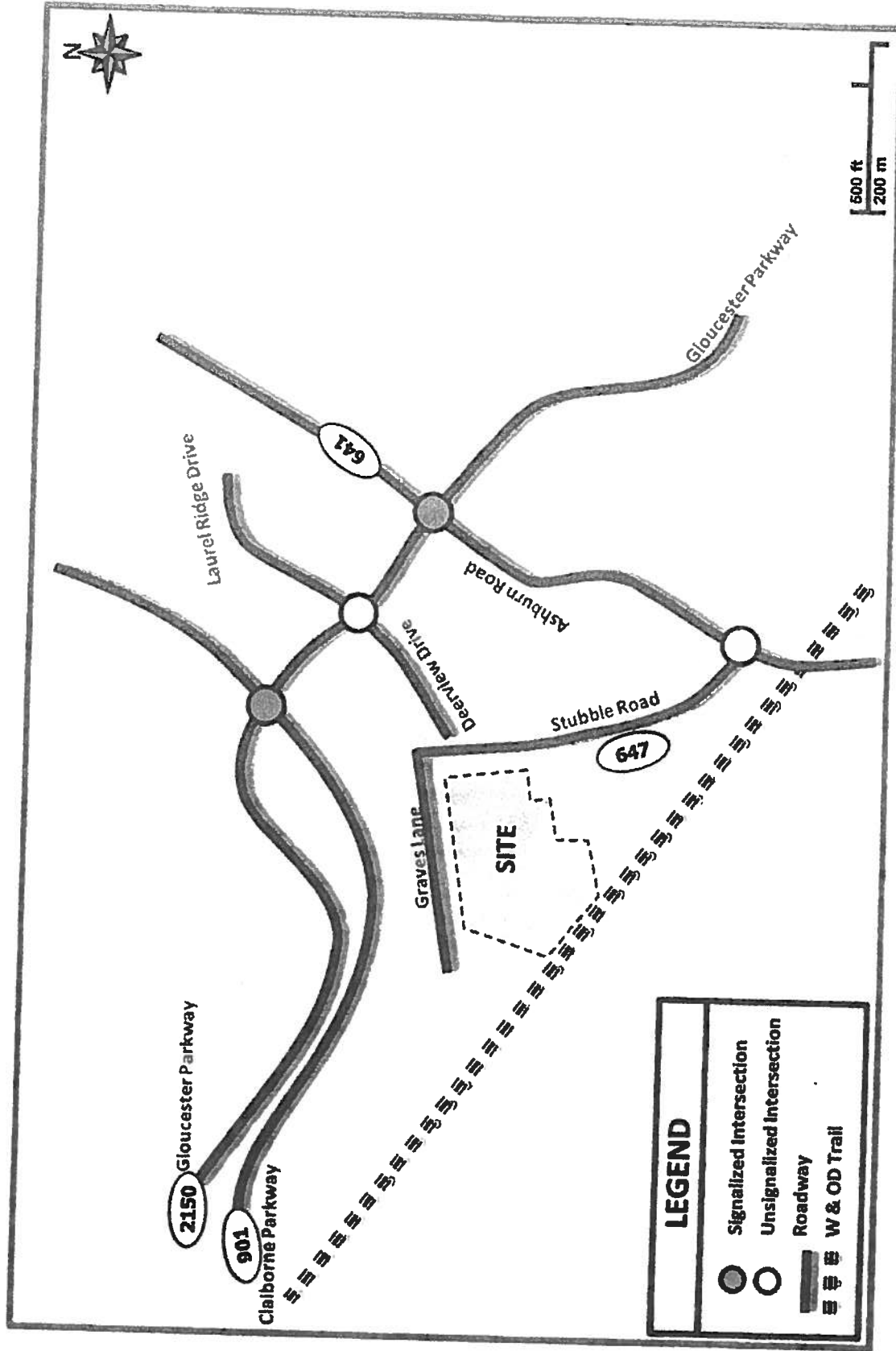
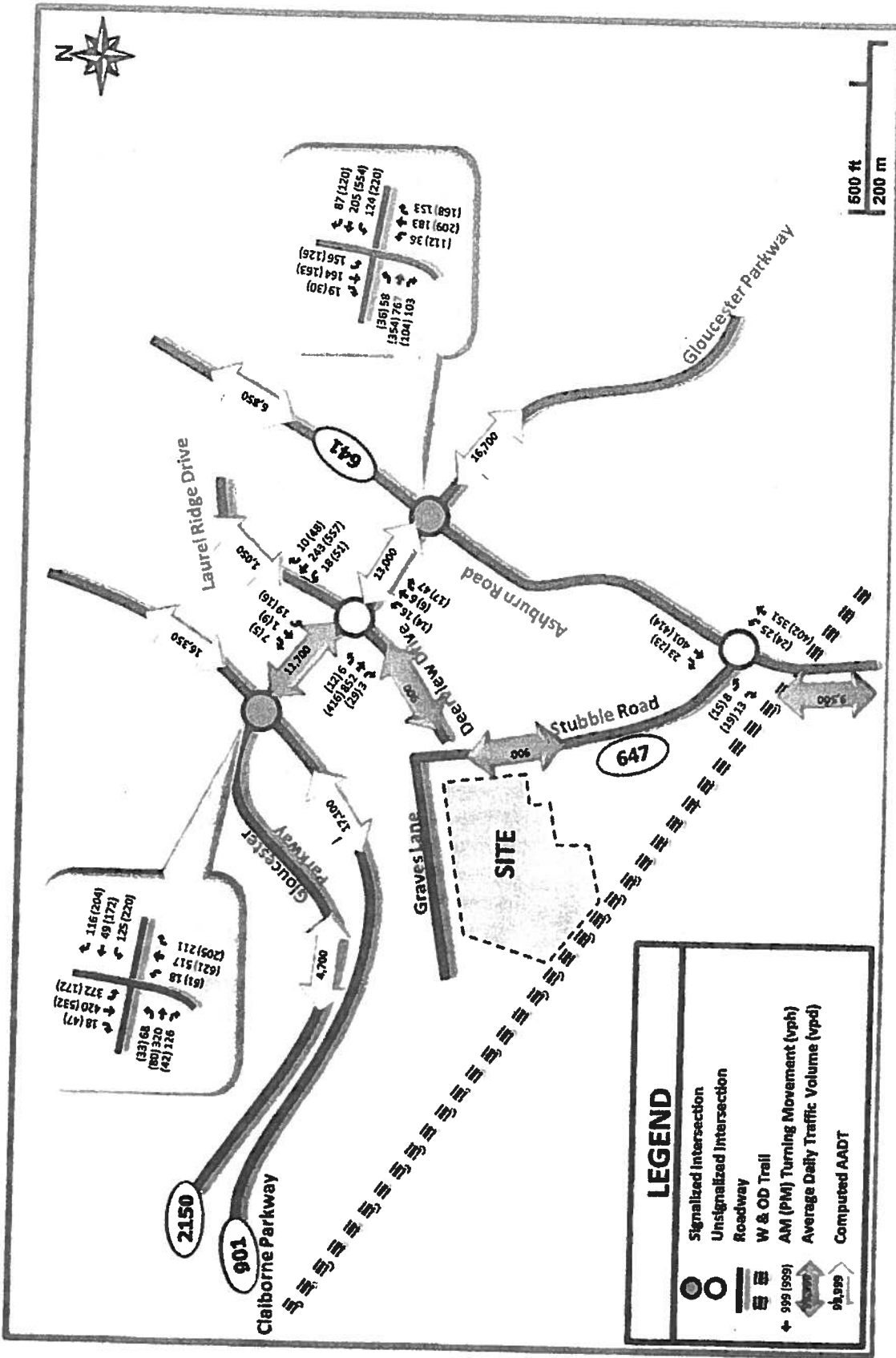


Figure 3: Existing (2009) Condition Traffic Volumes



Capacity Analysis – Existing Conditions

The capacity analysis results for the 2009 existing traffic conditions are indicated in Table 3. Intersections and/or individual movements with failing service levels of E or F are highlighted.

Table 3: LOS Results - Existing Traffic Conditions

	INTERSECTION	TYPE OF CONTROL	MOVEMENT APPROACH	AM PEAK HOUR		PM PEAK HOUR	
				LEVEL OF SERVICE	DELAY (SEC/VEH)	LEVEL OF SERVICE	DELAY (SEC/VEH)
1	Claiborne Pkwy and Gloucester Pkwy	Signalized	EB L	D	42.1	D	37.0
			EB T	C	34.3	C	33.7
			EB R	C	24.5	C	25.3
			EB Overall	C	33.2	C	31.9
			WB L	D	40.0	C	33.9
			WB T	C	25.7	C	25.5
			WB R	B	16.1	B	16.3
			WB Overall	C	27.8	C	25.3
			NB L	D	44.0	D	36.8
			NB T	C	30.8	C	27.2
			NB R	B	17.6	B	11.0
			NB Overall	C	27.5	C	24.2
			SB L	D	52.2	C	34.6
			SB T	C	22.9	C	22.9
			SB R	B	13.8	B	14.1
			SB Overall	D	36.3	C	24.8
			Intersection Overall	C	31.9	C	25.2
2	Gloucester Pkwy and Deer View Dr / Laurel Ridge Dr	Unsignalized	EB L	B	10.4	A	8.9
			EB T	A	0.0	A	0.0
			EB R	A	0.0	A	0.0
			EB Overall	A	0.1	A	0.4
			WB L	B	10.4	A	8.5
			WB T	A	0.0	A	0.0
			WB R	A	0.0	A	0.0
			WB Overall	A	0.3	A	0.7
			NB LTR	F	92.6	C	22.7
			NB Overall	F	92.6	C	22.7
			SB LTR	F	135.0	D	26.4
			SB Overall	F	135.0	D	26.4
			Intersection Overall	A	6.9	A	2.5

Table 3: LOS Results - Existing Traffic Conditions (Contd.)

INTERSECTION	TYPE OF CONTROL	MOVEMENT APPROACH	AM PEAK HOUR		PM PEAK HOUR	
			LEVEL OF SERVICE	DELAY (SEC/VEH)	LEVEL OF SERVICE	DELAY (SEC/VEH)
3 Gloucester Pkwy and Ashburn Rd	Signalized	EB L	C	26.6	C	30.5
		EB TR	F	157.5	D	44.5
		EB Overall	F	149.0	D	43.3
		WB L	C	30.4	C	26.0
		WB TR	C	34.2	C	34.9
		WB Overall	C	32.9	C	32.6
		NB L	C	22.8	C	22.2
		NB TR	D	41.6	D	44.4
		NB Overall	D	39.8	D	39.5
		SB L	C	20.3	C	22.6
		SB TR	C	25.7	C	31.6
		SB Overall	C	23.5	C	28.2
		Intersection Overall	F	84.4	D	35.7
4 Ashburn Rd and Stubble Rd	Unsignalized	EB LR	C	15.4	C	18.3
		EB Overall	C	15.4	C	18.3
		NB LT	A	1.2	A	1.1
		NB Overall	A	1.2	A	1.1
		SB TR	A	0.0	A	0.0
		SB Overall	A	0.0	A	0.0
		Intersection Overall	A	1.3	A	1.9

Overall, all intersections operate at acceptable LOS, except for the intersection of Gloucester Parkway at Ashburn Road. This intersection operates at LOS F in the AM peak, primarily due to delays for the eastbound through/right turn lane. Additionally, the Deerview Drive and Laurel Ridge Drive side street approaches to Gloucester Parkway operate at LOS F in the AM peak hour, although the intersection as a whole operates at acceptable levels.

During the PM peak hour, all study intersections operate at an acceptable LOS D or better. Figure 4 indicates the LOS for each movement at the study intersections, and the Synchro reports are provided in Appendix D.

Figure 5: 2013 Background Conditions Traffic Volumes

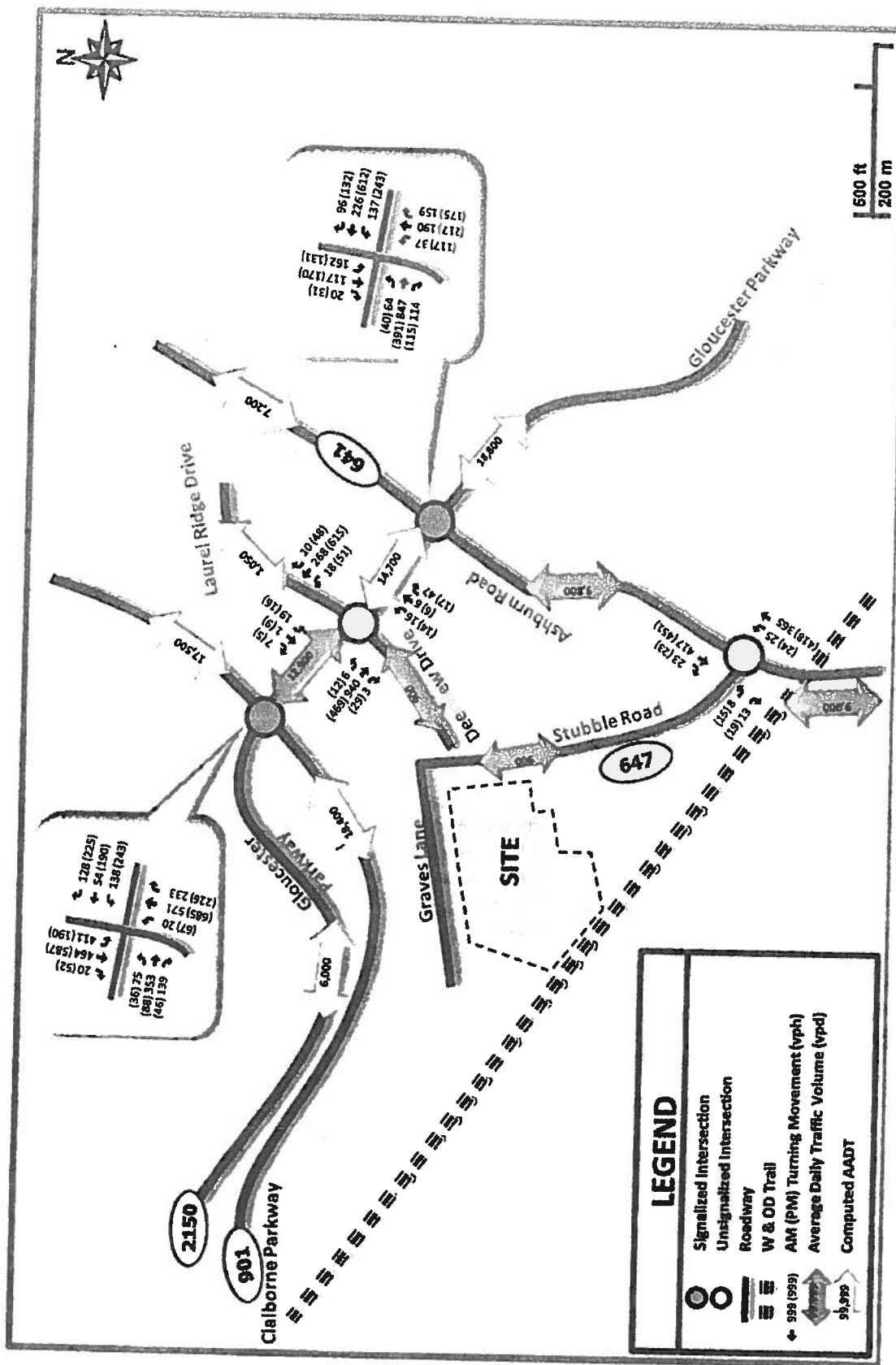
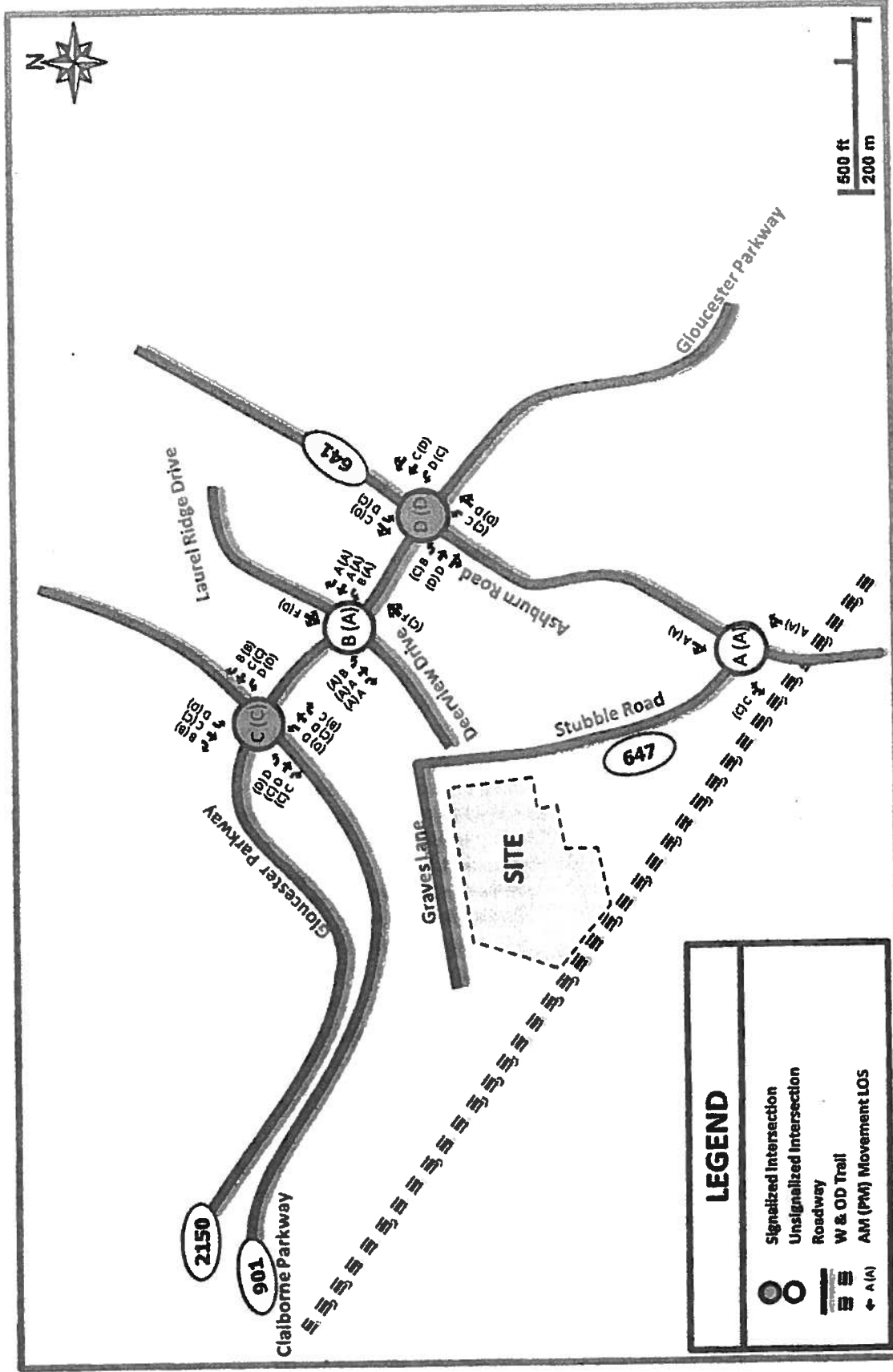


Figure 6: LOS Results - 2013 Background Traffic Conditions



Capacity Analysis – 2013 Background Traffic Conditions

For the 2013 Background traffic volumes, signal timings were optimized to reflect VDOT's program of re-optimizing timings approximately every two years. The capacity analysis results are indicated in Table 6. Intersections and/or individual movements with failing service levels of E or F are highlighted.

Due to the signal timing optimization, the LOS for the eastbound through-right movement at the intersection of Gloucester Parkway and Ashburn Road improves from LOS F in 2009 to LOS D in 2013, for the AM peak hour. The overall intersection also improves to LOS D.

During the AM peak, the northbound and southbound stop-controlled approaches at the intersection of Gloucester Parkway and Deerview Drive/Laurel Ridge Drive continue to operate at LOS F, with approximately 100 sec/veh increase in delays in the 2013 Background scenario compared to 2009 Existing conditions. However, the overall intersection operates at an acceptable level of LOS B. All approaches to the intersections of Gloucester Parkway and Claiborne Parkway and Ashburn Road and Stubble Road operate at LOS D or better during the AM peak hour.

During the PM peak hour, all study intersections continue to operate at an acceptable LOS D or better. Figure 6 indicates the LOS for each movement at the study intersections. Synchro reports for the Background Traffic conditions are provided in Appendix F.

Table 6: LOS Results - 2013 Background Traffic Conditions

	INTERSECTION	TYPE OF CONTROL	MOVEMENT APPROACH	AM PEAK HOUR		PM PEAK HOUR	
				LEVEL OF SERVICE	DELAY (SEC/VEH)	LEVEL OF SERVICE	DELAY (SEC/VEH)
1	Claiborne Pkwy and Gloucester Pkwy	Signalized	EB L	D	46.2	D	37.7
			EB T	D	41.0	C	34.4
			EB R	C	28.9	C	24.7
			EB Overall	D	39.1	C	32.1
			WB L	D	48.0	D	38.3
			WB T	C	31.2	C	26.4
			WB R	B	18.1	B	17.1
			WB Overall	C	33.0	C	27.4
			NB L	D	50.2	D	36.1
			NB T	D	35.3	C	28.5
			NB R	C	20.4	B	11.3
			NB Overall	C	31.5	C	25.0
			SB L	D	50.0	D	35.2
			SB T	C	23.2	C	24.5
			SB R	B	12.7	B	14.8
			SB Overall	D	35.4	C	26.1
			Intersection Overall	C	34.9	C	26.5

Table 6: LOS Results - 2013 Background Traffic Conditions (Contd.)

	INTERSECTION	TYPE OF CONTROL	MOVEMENT APPROACH	AM PEAK HOUR	DELAY (SEC/VEH)	PM PEAK HOUR	DELAY (SEC/VEH)
				LEVEL OF SERVICE		LEVEL OF SERVICE	
2	Gloucester Pkwy and Deer View Dr / Laurel Ridge Dr	Unsignalized	EB L	B	10.9	A	9.0
			EB T	A	0.0	A	0.0
			EB R	A	0.0	A	0.0
			EB Overall	A	0.1	A	0.4
			WB L	B	10.9	A	8.7
			WB T	A	0.0	A	0.0
			WB R	A	0.0	A	0.0
			WB Overall	A	0.3	A	0.6
			NB LTR	F	170.3	C	24.8
			NB Overall	F	170.3	C	24.8
			SB LTR	F	249.6	D	28.8
			SB Overall	F	249.6	D	28.8
			Intersection Overall	B	11.5	A	2.4
3	Gloucester Pkwy and Ashburn Rd	Signalized	EB L	B	18.7	C	32.8
			EB TR	D	51.6	D	48.7
			EB Overall	D	49.4	D	47.4
			WB L	D	40.4	C	28.1
			WB TR	C	21.6	D	35.7
			WB Overall	C	28.1	C	33.7
			NB L	C	21.2	C	25.5
			NB TR	D	38.3	D	51.8
			NB Overall	D	36.7	D	46.0
			SB L	D	35.0	C	26.8
			SB TR	C	30.1	D	35.3
			SB Overall	C	32.1	C	32.0
			Intersection Overall	D	40.0	D	39.1
4	Ashburn Rd and Stubble Rd	Unsignalized	EB LR	C	15.9	C	19.7
			EB Overall	C	15.9	C	19.7
			NB LT	A	1.2	A	1.1
			NB Overall	A	1.2	A	1.1
			SB TR	A	0.0	A	0.0
			SB Overall	A	0.0	A	0.0
			Intersection Overall	A	1.3	A	1.9

2013 BUILD-OUT TRAFFIC CONDITIONS – ALTERNATIVE 1

In Alternative 1, the only site access to be provided would include extending Deerview Drive from Gloucester Parkway to intersect with the proposed site entrance. For this scenario, Stubble Road would be terminated south of Deerview Drive to form a cul-de-sac on its northern end before Graves Lane. The roadway geometry and the proposed site entrance for the 2013 Build-out conditions Alt. 1 are indicated in Figure 7.

Trip Generation

The trip generation of the site is based on *Trip Generation Manual, 8th edition* by the Institute of Transportation Engineers. Vehicle trip generation rates are published for different types of land uses. Residential land use codes were used for and applied as shown in Table 8. To consider the worst case scenario, site trips were calculated for the site peak hour instead of the adjacent street traffic peak hour, per Loudoun County requirements.

Table 8: ITE Trip Generation Rates

Belmond Estates - Loudoun County, Virginia												
LAND USE	ITE CODE	AMOUNT	UNITS	TRIP TYPE	%	ADT	Peak Hour of Generator					
							WEEKDAY					
							AM PEAK HOUR			PM PEAK HOUR		
							IN	OUT	TOTAL	IN	OUT	TOTAL
Townhouse	230	48	DU	Primary	100%	340	5	23	28	33	19	52
Single Family Detached Housing	210	22	DU	Primary	100%	258	7	21	28	18	10	28
			2013 Development Total			598	12	44	56	51	29	80

SOURCE: "Trip Generation Handbook, 8th ed;" Institute of Transportation Engineers

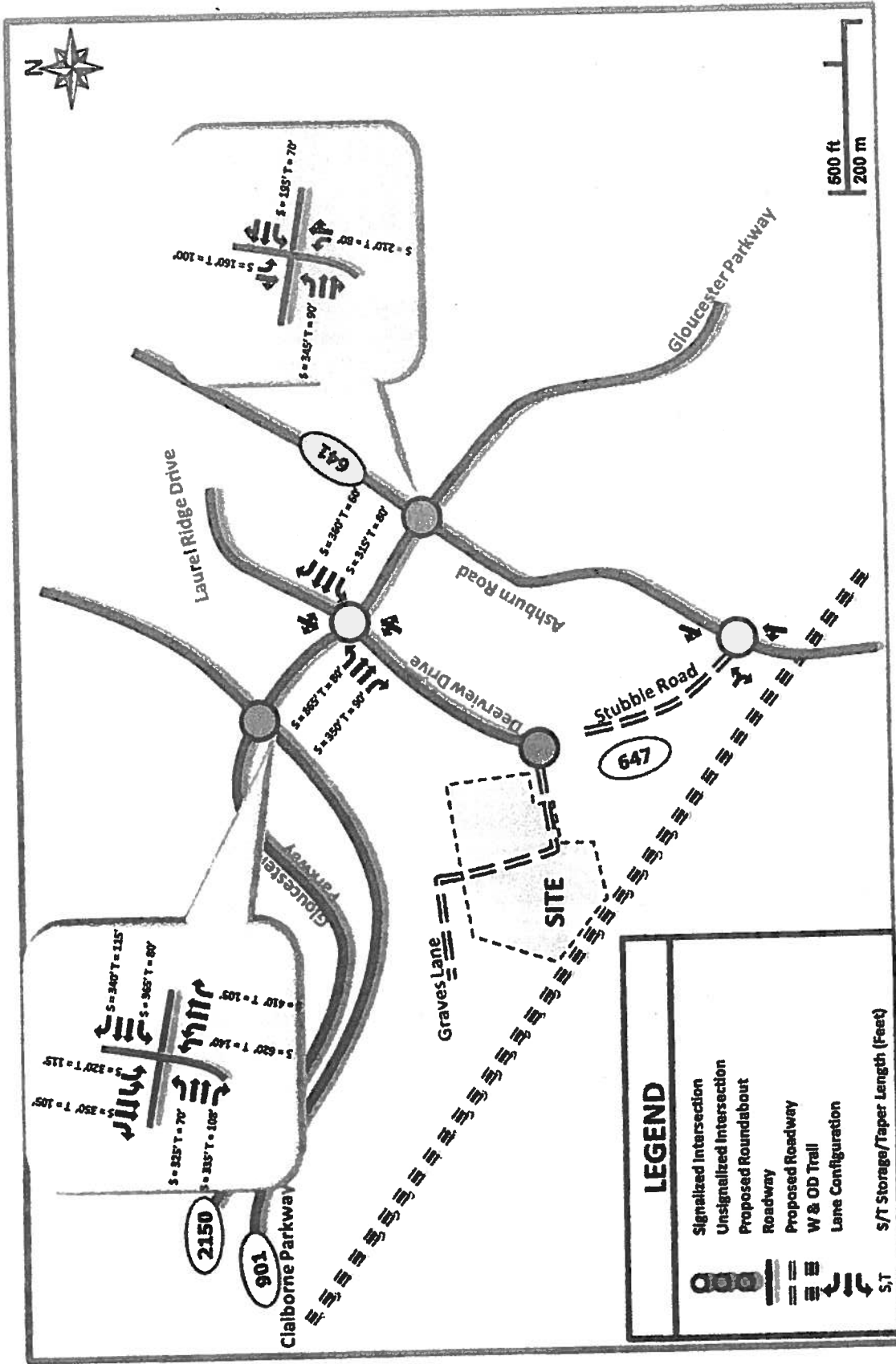
On a typical weekday, the site is expected to generate 598 vehicles per day, with 56 vehicles accessing the site during the AM peak and 80 vehicles accessing the site during the PM peak.

Site Trip Distribution – Alternative 1

The AM and PM peak hour site trip distributions percentages for Alternative 1 were estimated based on existing traffic patterns, roadway network connectivity, site land use, and engineering judgment. Patterns from the turning movements at the study intersections were used to estimate turning percentages for the site generated traffic and then balanced/averaged across the network to produce common inbound/outbound percentages at each intersection.

The complete site trip distribution percentages for AM and PM peak hours on the adjacent roadway network for Alternative 1 are shown in Figure 8. The distribution of the site trips at the study intersections are depicted in Figure 9.

Figure 7: Roadway Geometry - 2013 Build-Out Conditions - Alternative 1



LEGEND

- Signalized Intersection
- Unsignalized Intersection
- Proposed Roundabout
- Roadway
- Proposed Roadway
- W & OD Trail
- AM/PM Trip Distribution Percentage

500 ft
200 m

North Arrow

Gloucester Parkway

Laurel Ridge Drive

Ashburn Road

Stubble Road

Graves Lane

2150 Gloucester Parkway

901 Claiborne Parkway

641

647

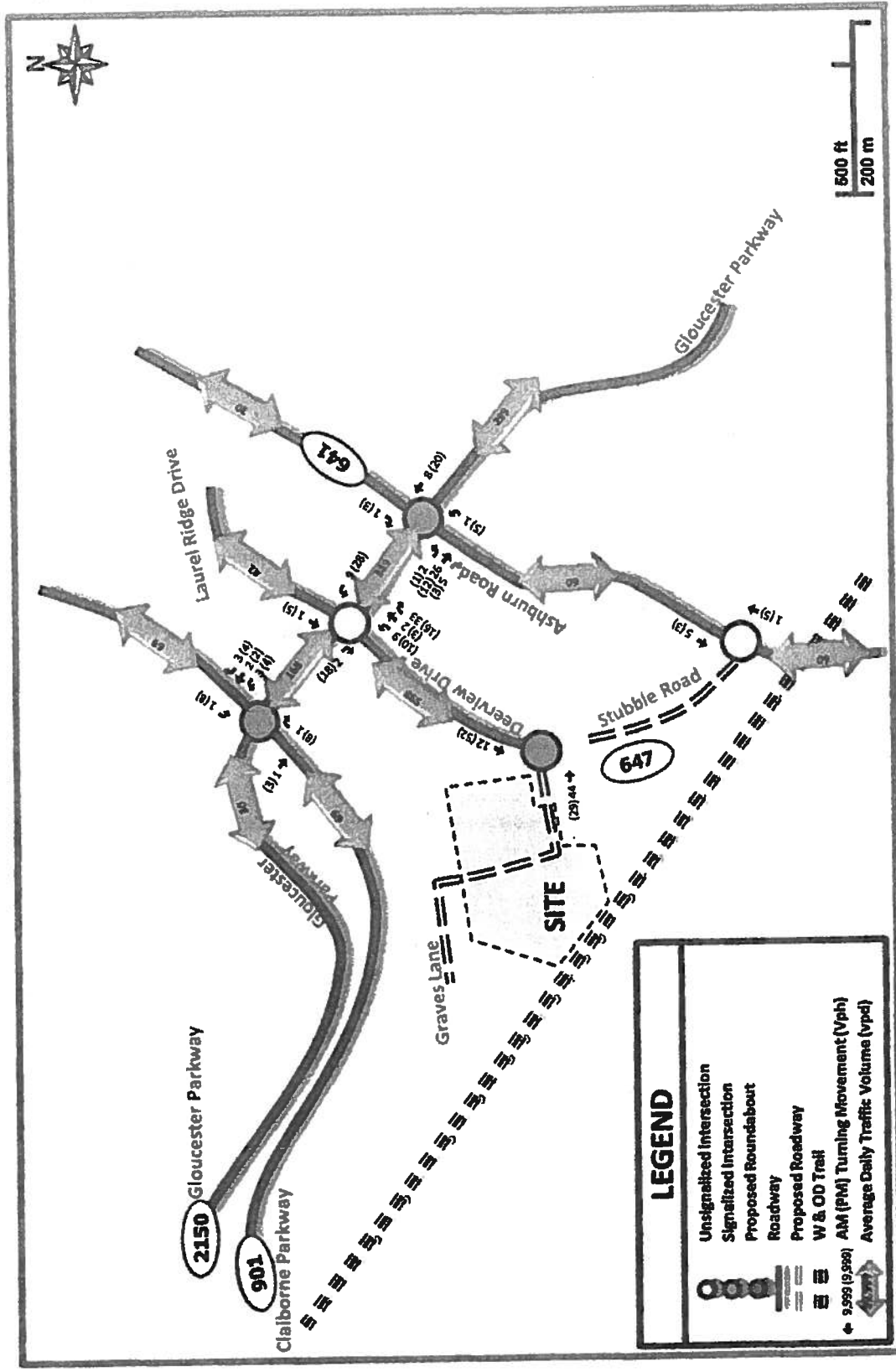
SITE

7% 15% 5% 5% 10% 5% 5% 60% 40% 10% 10% 15% 8% 5% 5%

7% (15%) 5% (15%) 5% (15%) 5% (15%) 10% (15%) 5% (15%) 5% (15%) 60% (40%) 10% (10%) 10% (10%) 15% (15%) 8% (15%) 5% (15%) 5% (15%)

9.999 (9.999) AM (PM) Trip Distribution Percentage

Figure 9: Site Trips - Alternative 1



LEGEND

- Signalized Intersection
- Unsignalized Intersection
- Roadway
- Proposed Roadway
- W & OD Trail
- AM (PM) Turning Movement (vph)
- Average Daily Traffic Volume (vpd)
- Computed AADT

Map Details:

- North Arrow:** Points North.
- Scale:** 500 ft, 200 m.
- Key Roads:** Gloucester Parkway, Ashburn Road, Stubble Road, Graves Lane, Laurel Ridge Drive, Greenview Drive, Clalborne Parkway.
- Intersections:**
 - Gloucester Parkway & Laurel Ridge Drive: Signalized intersection. Traffic volumes: 131 (234), 56 (130), 412 (104), 20 (132), 180 (75), 191 (34), 46 (138), 464 (587).
 - Gloucester Parkway & Clalborne Parkway: Signalized intersection. Traffic volumes: 131 (234), 56 (130), 412 (104), 20 (132), 180 (75), 191 (34), 46 (138), 464 (587).
 - Ashburn Road & Greenview Drive: Signalized intersection. Traffic volumes: 124 (25), 19 (13), 159 (12), 139 (13), 139 (12), 139 (13).
 - Ashburn Road & Stubble Road: Signalized intersection. Traffic volumes: 124 (25), 19 (13), 159 (12), 139 (13), 139 (12), 139 (13).
 - Stubble Road & Graves Lane: Signalized intersection. Traffic volumes: 124 (25), 19 (13), 159 (12), 139 (13), 139 (12), 139 (13).
 - Graves Lane & Ashburn Road: Signalized intersection. Traffic volumes: 124 (25), 19 (13), 159 (12), 139 (13), 139 (12), 139 (13).
 - Graves Lane & Stubble Road: Signalized intersection. Traffic volumes: 124 (25), 19 (13), 159 (12), 139 (13), 139 (12), 139 (13).
 - Graves Lane & Ashburn Road: Signalized intersection. Traffic volumes: 124 (25), 19 (13), 159 (12), 139 (13), 139 (12), 139 (13).
- Other Features:**
 - 641:** Roadway label near Laurel Ridge Drive.
 - 647:** Roadway label near Stubble Road.
 - 2150:** Roadway label near Clalborne Parkway.
 - 901:** Roadway label near Clalborne Parkway.
 - SITE:** Marked near the intersection of Ashburn Road and Graves Lane.

Figure 11: LOS Results - 2013 Build-Out Traffic Conditions - Alternative 1

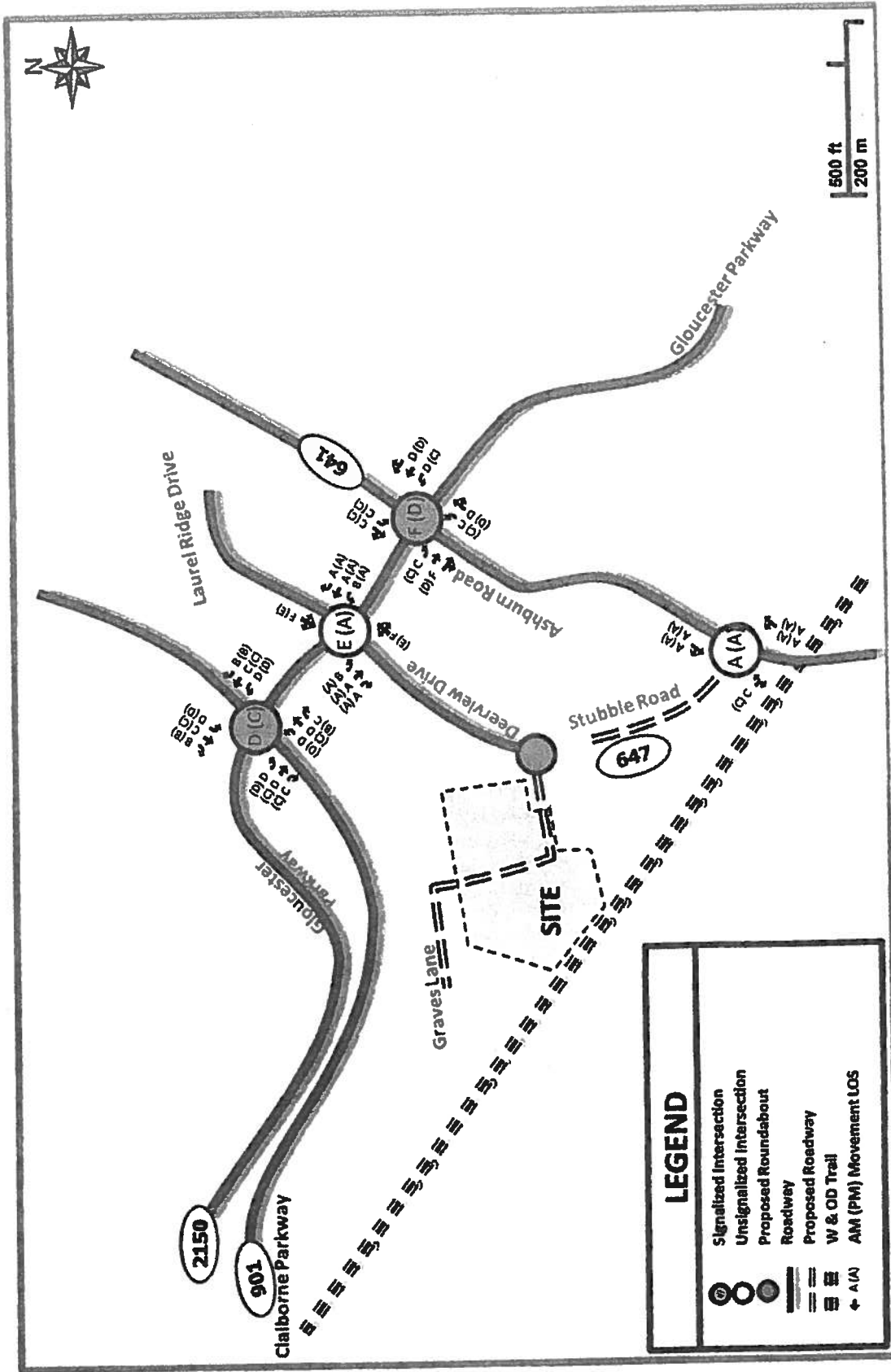


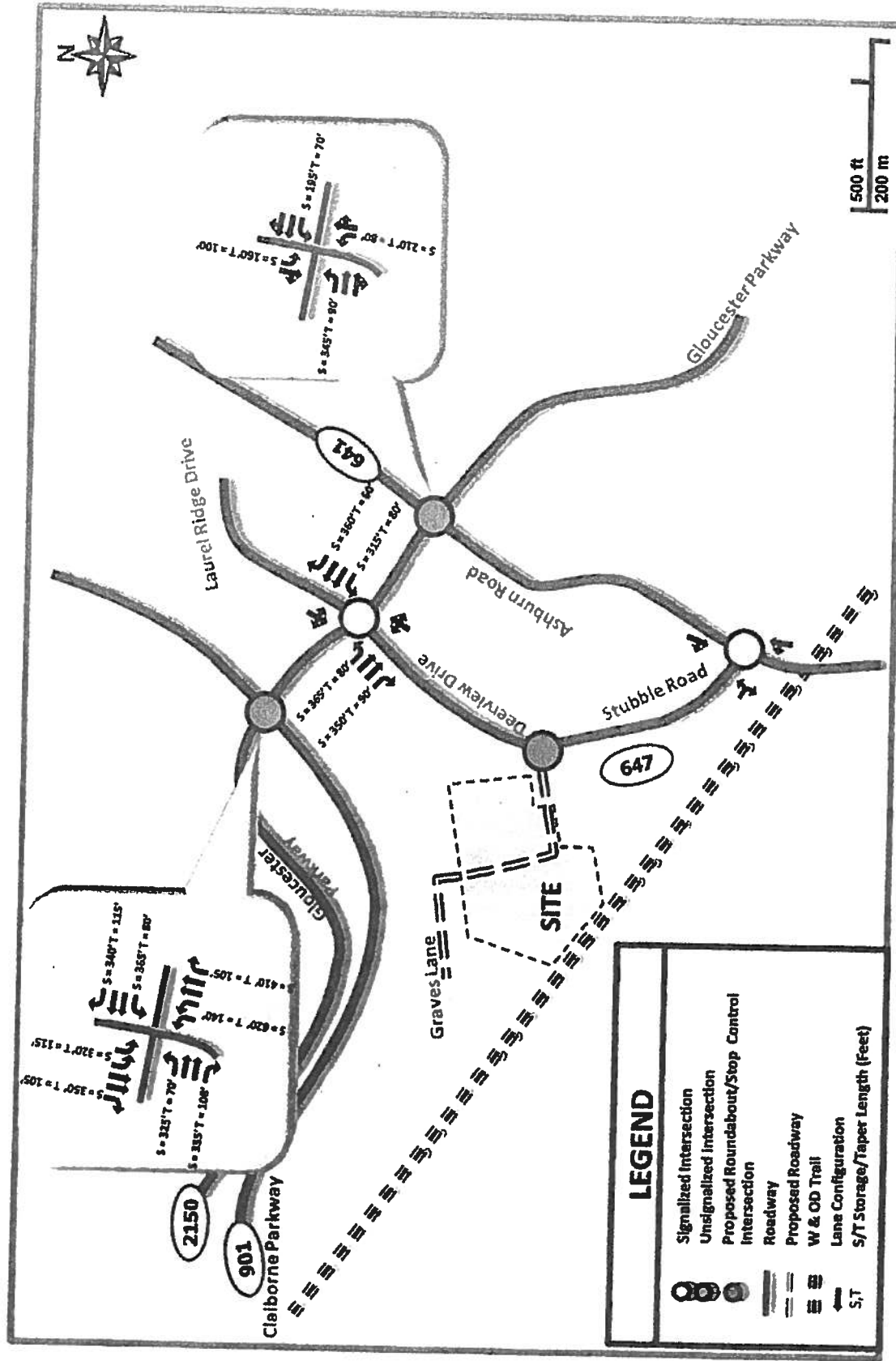
Table 9: LOS Results - 2013 Total Traffic Conditions - Alternative 1

	INTERSECTION	TYPE OF CONTROL	MOVEMENT APPROACH	AM PEAK HOUR		PM PEAK HOUR	
				LEVEL OF SERVICE	DELAY (SEC/VEH)	LEVEL OF SERVICE	DELAY (SEC/VEH)
1	Clalborne Pkwy and Gloucester Pkwy	Signalized	EB L	D	46.4	D	37.8
			EB T	D	41.1	C	34.5
			EB R	C	28.9	C	24.8
			EB Overall	D	39.2	C	32.2
			WB L	D	48.2	D	39.0
			WB T	C	31.2	C	26.5
			WB R	B	18.1	B	17.2
			WB Overall	C	33.0	C	27.7
			NB L	D	50.4	D	36.2
			NB T	D	35.4	C	28.5
			NB R	C	20.5	B	11.4
			NB Overall	C	31.6	C	25.0
			SB L	D	50.5	D	35.3
			SB T	C	23.3	C	24.5
			SB R	B	12.9	B	14.8
			SB Overall	D	35.7	C	26.2
			Intersection Overall	D	35.1	C	26.6
2	Gloucester Pkwy and Deer View Dr / Laurel Ridge Dr	Unsignalized	EB L	B	10.9	A	9.0
			EB T	A	0.0	A	0.0
			EB R	A	0.0	A	0.0
			EB Overall	A	0.1	A	0.3
			WB L	B	11.1	A	9.0
			WB T	A	0.0	A	0.0
			WB R	A	0.0	A	0.0
			WB Overall	A	0.4	A	0.9
			NB LTR	F	444.1	E	39.7
			NB Overall	F	444.1	E	39.7
			SB LTR	F	516.6	E	44.1
			SB Overall	F	516.6	E	44.1
			Intersection Overall	E	37.9	A	5.0

Table 9: LOS Results - 2013 Total Traffic Conditions - Alternative 1 (Contd.)

	INTERSECTION	TYPE OF CONTROL	MOVEMENT APPROACH	AM PEAK HOUR		PM PEAK HOUR	
				LEVEL OF SERVICE	DELAY (SEC/VEH)	LEVEL OF SERVICE	DELAY (SEC/VEH)
3	Gloucester Pkwy and Ashburn Rd	Signalized	EB L	B	17.6	C	31.2
			EB TR	D	49.3	D	46.7
			EB Overall	D	47.2	D	45.4
			WB L	D	49.3	C	28.8
			WB TR	C	22.1	D	36.1
			WB Overall	C	31.3	C	34.2
			NB L	C	21.7	C	24.4
			NB TR	D	39.0	D	50.1
			NB Overall	D	37.3	D	44.2
			SB L	D	36.8	C	25.6
			SB TR	C	30.6	C	34.4
			SB Overall	C	33.1	C	31.1
			Intersection Overall	D	40.0	D	38.4
4	Ashburn Rd and Stubble Rd	Unsignalized	EB LR	C	16.0	C	19.9
			EB Overall	C	16.0	C	19.9
			NB LT	A	1.2	A	1.1
			NB Overall	A	1.2	A	1.1
			SB TR	A	0.0	A	0.0
			SB Overall	A	0.0	A	0.0
			Intersection Overall	A	1.3	A	1.9

Figure 12: Roadway Geometry - 2013 Build-Out Conditions - Alternative 2



[illegible]

Figure 15: 2013 Build-Out Traffic Volumes - Alternative 2

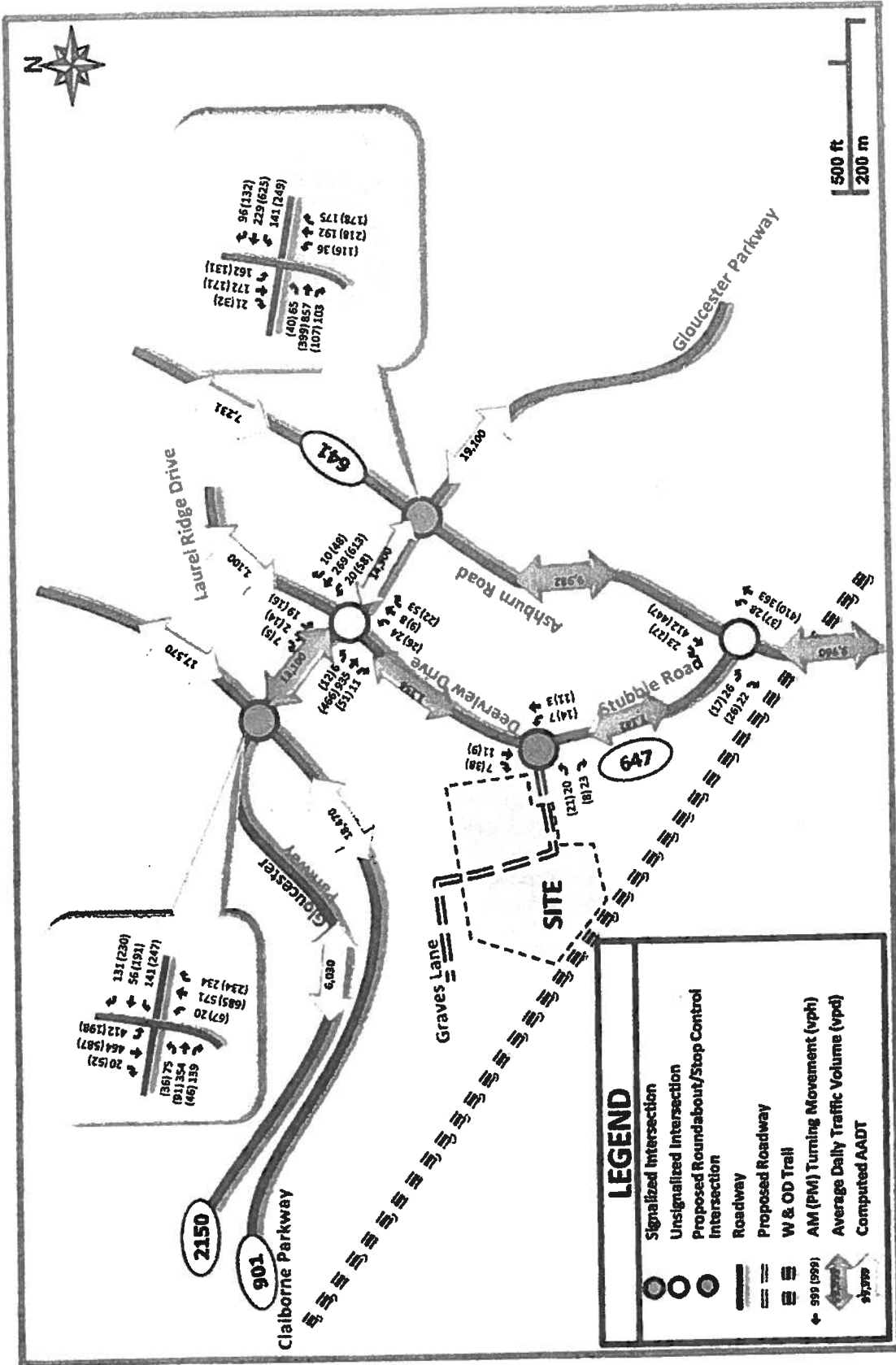


Figure 16: LOS Results for 2013 Build-Out Alternative 2

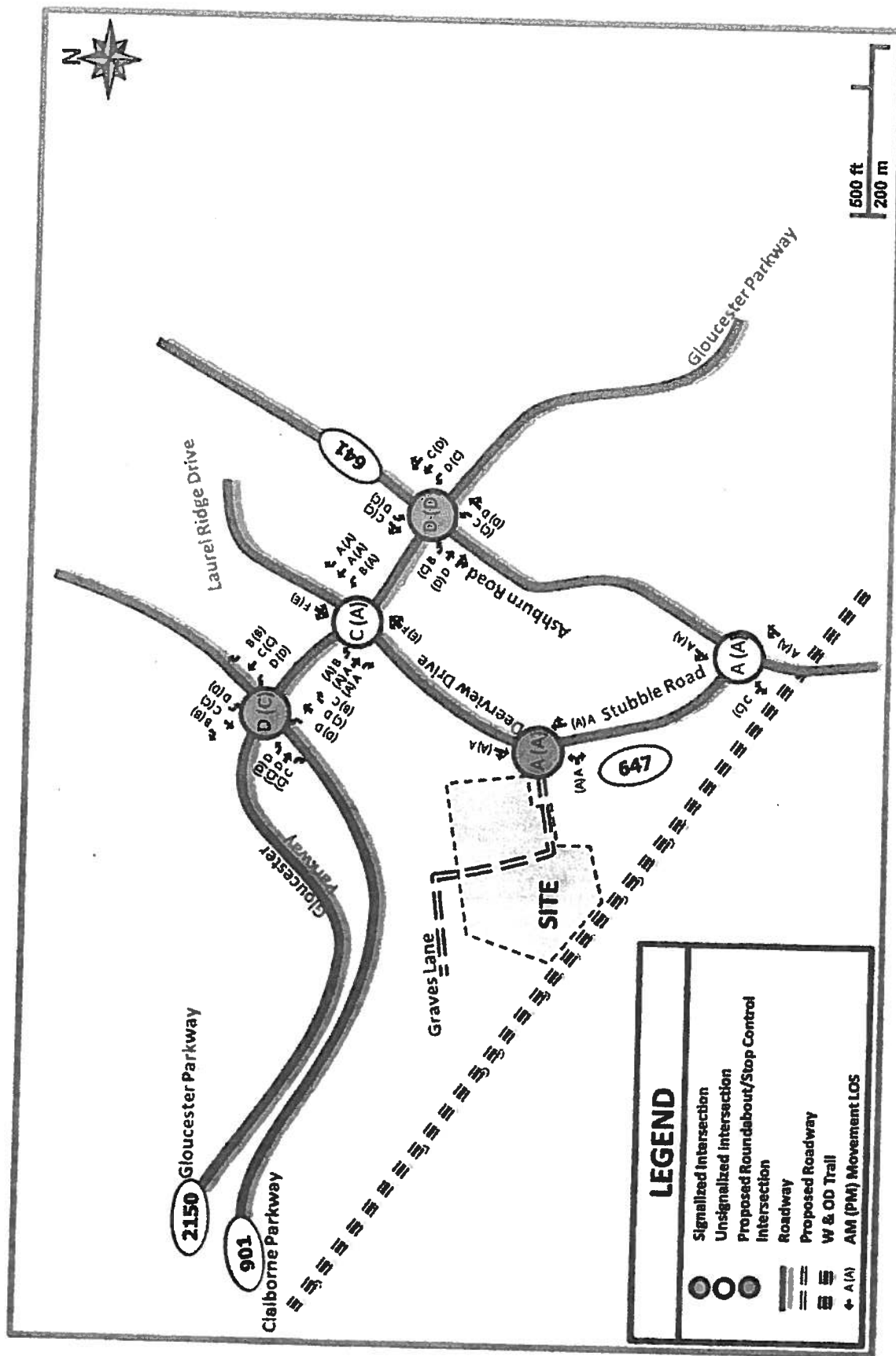


Table 11: LOS Results - 2013 Build-Out Alternative 2

	INTERSECTION	TYPE OF CONTROL	MOVEMENT APPROACH	AM PEAK HOUR		PM PEAK HOUR	
				LEVEL OF SERVICE	DELAY (SEC/VEH)	LEVEL OF SERVICE	DELAY (SEC/VEH)
1	Claiborne Pkwy and Gloucester Pkwy	Signalized	EB L	D	46.4	D	37.8
			EB T	D	41.1	C	34.5
			EB R	C	28.9	C	24.8
			EB Overall	D	39.2	C	32.2
			WB L	D	48.2	D	39.0
			WB T	C	31.2	C	26.5
			WB R	B	18.1	B	17.2
			WB Overall	C	33.0	C	27.7
			NB L	D	50.4	D	36.2
			NB T	D	35.4	C	28.5
			NB R	C	20.5	B	11.4
			NB Overall	C	31.6	C	25.0
			SB L	D	50.5	D	35.3
			SB T	C	23.3	C	24.5
			SB R	B	12.9	B	14.8
			SB Overall	D	35.7	C	26.2
			Intersection Overall	D	35.1	C	26.6
2	Gloucester Pkwy and Deer View Dr / Laurel Ridge Dr	Unsignalized	EB L	B	10.9	A	9.0
			EB T	A	0.0	A	0.0
			EB R	A	0.0	A	0.0
			EB Overall	A	0.1	A	0.3
			WB L	B	11.0	A	8.9
			WB T	A	0.0	A	0.0
			WB R	A	0.0	A	0.0
			WB Overall	A	0.3	A	0.7
			NB LTR	F	378.4	E	34.3
			NB Overall	F	378.4	E	34.3
			SB LTR	F	385.2	E	35.3
			SB Overall	F	385.2	E	35.3
			Intersection Overall	D	26.4	A	4.0

Table 11: LOS Results for 2013 Build-Out Alternative 2 (Contd.)

	INTERSECTION	TYPE OF CONTROL	MOVEMENT APPROACH	AM PEAK HOUR		PM PEAK HOUR	
				LEVEL OF SERVICE	DELAY (SEC/VEH)	LEVEL OF SERVICE	DELAY (SEC/VEH)
3	Gloucester Pkwy & Ashburn Rd	Signalized	EB L	B	18.0	C	31.6
			EB TR	D	47.5	D	46.6
			EB Overall	D	45.5	D	45.4
			WB L	D	47.7	C	29.4
			WB TR	C	22.9	D	36.5
			WB Overall	C	31.5	C	34.6
			NB L	C	21.9	C	24.5
			NB TR	D	40.9	D	50.2
			NB Overall	D	39.3	D	45.0
			SB L	D	41.7	C	25.7
			SB TR	C	30.9	C	33.7
			SB Overall	D	35.2	C	30.6
			Intersection Overall	D	39.8	D	38.5
4	Ashburn Rd and Stubble Rd	Unsignalized	EB LR	C	21.4	C	21.1
			EB Overall	C	21.4	C	21.1
			NB LT	A	1.3	A	1.7
			NB Overall	A	1.3	A	1.7
			SB TR	A	0.0	A	0.0
			SB Overall	A	0.0	A	0.0
			Intersection Overall	A	2.9	A	2.6
5	Deerview Dr and Stubble Rd	Unsignalized	EB LR	A	8.7	A	8.9
			EB Overall	A	8.7	A	8.9
			NB LT	A	5.1	A	4.1
			NB Overall	A	5.1	A	4.1
			SB TR	A	0.0	A	0.0
			SB Overall	A	0.0	A	0.0
			Intersection Overall	A	6.0	A	3.6

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: August 18, 2010

TO: Jane McCarter, Planner, Department of Planning

FROM: Theresa M. Stein, Planner, Zoning Administration *(TMS)*

CASE NUMBER AND NAME: ZMAP 2005-0019, Belmont Estates, 6th submission in response to comments and 2nd submission of Proffer Statement review

TAX/MAP PARCEL NUMBER: /62////////32/, /62////////30/, /62///1////1/, /62////////29D, /62///1////2/, /62////////29/

MCPI: 085-45-6228, 085-45-2602, 085-45-2233, 116-40-8424, 116-30-9195, 116-40-7623

On August 10, 2010, staff received the sixth submission (response letter dated July 21, 2010, CDP revised July 14, 2010, and Proffer Statement revised July 16, 2010) and upon review, the following remains outstanding:

Planned Development-Housing (Section 4-100):

1. Original comment: *Section 4-109(A): Principal vehicular access points are required to be designed to encourage smooth traffic flow and streets are not to be connected with streets outside the district that encourage through traffic...There is no smooth traffic flow as all 73 units, in addition to any additional traffic from units to the west of the proposal, must enter and exit through a neighborhood street that was a cul-de-sac, but is now being reconfigured into a roundabout. Graves Lane and Stubble Road are proposed to be vacated and access cut further limiting smooth vehicular patterns. The proposal continues to have unwieldy and awkward access that does not meet this Ordinance requirement. Comment remains outstanding. There is only one access point into the proposed development and the existing single-family dwellings to the west of the proposal, which is an increase in over 60 residential units, a great deal more than currently exists. There is no other exit/entrance for over 75 residential units.*

Village Conservation Overlay District (Section 4-2100):

2. Original comment: *Section 4-2104(B)(1)(a): Development plans shall continue all stubbed or planned to be stubbed streets to the boundary of the development. The proposal does not meet this requirement. Stubble Road and Graves Lane are being vacated, and all the SFA units in Landbay 2 propose stubbed streets. The proposed development has one way in and one way out, limiting the connectivity and smooth flow of traffic for 73 dwellings, and using the Ridges of Ashburn neighborhood to the east as the only access point. Comment remains outstanding. See above.*

3. Original comment: Section 4-2104(B)(2)(a): *The applicant requests to modify the variation in lot size. The Ordinance requires that no more than 33% of all lots shall be within 500 sf of each other. The applicant seeks to eliminate this requirement so that all of the new SFD lots have similar lot sizes and dimensions. The justification is that the applicant is preserving nearly 50% of the site area as open space and is incorporating the guidelines of the VCOD. The Ordinance allows modifications to requirements if they are innovative, improve upon the regulation, or exceed the public purpose, therefore, the applicant has not demonstrated that the requested modification meets the criteria. In addition, a large portion of the open space is minor floodplain or wetlands, which has limited development potential. The applicant is attempting to take "credit" (something above the norm) for meeting an Ordinance requirement....* **Comment remains outstanding. The applicant has not shown how the 21 SFD similar lot size is innovative, improves upon the regulation or otherwise exceeds the public purpose. The proposed lots are typical of suburban development.**
4. Original comment: Section 4-2104(B)(5): *The applicant seeks to eliminate the requirement that front loaded garages be setback 20' behind the front line of all principal buildings. The justification does not meet the criteria in 6-1504 (see above comment). A garage being a prominent feature of a SFD is not neo-traditional in design, nor is it echoing the development pattern of a traditional village.* **Comment remains outstanding. Garages for the SFD are proposed to be setback 6' from the principal building face; however, the garage remains a significant aspect of the front façade, which is not neo-traditional in design, nor reminiscent of a traditional village where garages are behind the house. The justification does not meet Section 6-1504 criteria in that the applicant has not demonstrated how the modification is innovative, exceeds the public purpose, or improves upon the existing regulation.**

Affordable Dwelling Unit R-8 (Section 7-800):

5. Original comment: Section 7-803(E): *Active recreation space shall be accessible to all residents by an internal walkway. The existing SFD does not have a trail to either of the designated active recreation spaces. It is connected to the recreation spaces only via its frontage on Graves Lane.... In addition, sheet 8 (and 3, 5, 6, 7) states that a total of 1.34 acres of active recreation space will be provided. Active recreation space is defined as "flat, open, well-drained usable space configured in squares or greens. Active recreation space may include facilities such as ballfields, tennis courts...tot-lots". Active recreation space may also include picnicking, boating, fishing. The applicant is proposing to place the majority of active recreation space within the floodplain, which is not "well-drained" and the usability greatly hampered.... Revise the active recreation space to only include those areas that meet the Ordinance definition. If the applicant proposes to use existing ponds for boating or fishing, which would count as active recreation space, highlight its location on the CDP and provide a proffer that protects and enhances those ponds for recreational uses.* **The existing SFD has access to the recreational and open space, but the remainder of the comment remains outstanding. Very little active recreation elements, beyond a tot-lot and trails, have been proffered, as noted previously by staff and the Proffer Manager, who requested that sheet 8 be included as a proffered sheet.**

Other/Plat:

6. Original comment: *Lots 21 and 22 are proposed in existing wetlands. Provide evidence that the Corps of Engineers has approved the location of lots/houses within the wetland area. Staff defers to ERT for additional comment on the location of houses in a wetland.* **The comment remains outstanding. The applicant did not provide evidence to demonstrate that the Corps approved the location of the proposed SFDs. Approval of the by-right subdivision is insufficient because it is a different proposal.**

1-2 T431040ATA

7. Original comment: Note 2 on sheet 3 states that specimen trees will be saved, if possible. Provide in the Proffer Statement and the plat the criteria and rules under which specimen trees will be removed and what devices or methods will be used to protect those trees. **Comment remains outstanding. The applicant, in his sole discretion, decides if the specimen trees are salvageable. Revise the proffer to allow removal in consultation with the County's Urban Forester.**

Proffer Statement dated ~~June 19, 2009~~ July 16, 2010:

8. Original comment: *Add to Paragraph I that sheet 7 and 8 are part of the CDP as they provide details about the provision of open and active recreation space. Also revise the number of ADU's being provided in the proffer or on the CDP as the numbers differ.* **Comment remains outstanding. The development has only proffered to be in substantial conformance with sheet 6, and sheets 7 & 8 have critical information. The Proffer Manager also commented upon the lack of proffered sheets, and asked that sheet 7 and 8 be included due to the greater detail provided on those sheets.**

Proffer Manager comments, dated April 19, 2010:

9. Loudoun County Sanitation Authority changed its name to "Loudoun Water". Make the change as requested.





Jeffrey A. Nein, AICP
(703) 456-8103
jnein@cooley.com

BY HAND DELIVERY

July 21, 2010

Jane McCarter
Project Manager
Department of Planning
1 Harrison St., S.E., 3rd Floor
Leesburg, Virginia 20177

**RE: ZMAP 2005-0019, Belmont Estates
Response to County Review Comments**

Dear Jane:

This letter includes our response to the review comments on the March 12th submission of the rezoning application.

Enclosed with this submission are three copies each of the revised draft proffer statement and a comparison with the previously submitted proffers, and the revised Application plan set.

The staff review comments are addressed below in chronological order. Each agency's comments are summarized (noted in *italics*) and followed by our response.

Zoning Administration, Department of Building and Development (comments dated 3/22/10)

Please see attached email response dated April 22, 2010.

Proffer Manager, Department of Building and Development (comments dated 4/19/10)

1. *Proffer I: They only proffered sheet 6. I believe at a minimum they should also include sheets 7 & 8.*

Sheets 7 and 8 are provided for information purposes to demonstrate how the open space, civic space and active recreation areas depicted on the proffered Concept Development Plan (Sheet 6) comply with certain Plan policies and Zoning Ordinance requirements. All proffered elements are depicted on Sheet 6.

2. *Proffer II: Loudoun County Sanitation Authority is now called Loudoun Water, please revise.*

It is our understanding that the official corporate name for Loudoun Water is still the Loudoun County Sanitation Authority.

2. 163045 ATTA.

Jane McCarter
July 21, 2010
Page Two

3. *Proffer IV: As this proffer is currently written, the Applicant is not committing to provide any specific recreational amenities. Please state what will be provided and where it will be located. CDP sheet 8 is the Active Rec/Civic Space Plan, which is not proffered; the Applicant should pledge substantial conformance to this sheet.*

Proffer IV does list the types of recreational amenities intended to be provided within the Property and affords the Applicant flexibility in selecting amenities available at the time the Property is developed. The proffered CDP (Sheet 6) does show the location of the picnic pavilion, tot lots, trails and active recreation areas.

4. *Proffer IV: The last sentence currently states: "The provided amenities will be completed prior to the issuance of the first townhouse occupancy permit in Land Bay 2." Please be advised that this means that they need to provide all amenities, including the active recreation area that is adjacent to townhouse lots 70 and 69, prior to any townhouse occupancy permit. I am concerned that as this property is developed, they will be actively working in some of the recreation areas and will not be able to complete them prior to the first townhouse occupancy permit.*

We appreciate the concern with respect to on-going construction activities. Proffer IV has been revised to phase the completion of the recreational amenities.

5. *Proffer V, VI, VII, VII.A and VII.B: These proffers provide cash contributions that are due on a per unit basis for all units, including ADUs. Recently, some confusion has arisen regarding proffers that are collected for ADUs. Family Services wants ADUs to be excluded from the collection of cash proffers. Therefore, the amount specified for each proffer needs to be recalculated to exclude ADUs from the collection of the contribution. And the proffer language needs to be revised to state the collection shall be for market rate units only.*

The referenced proffers have been revised to provide that the cash contributions will be collected only from the market rate units. The per unit contributions have been recalculated to provide the same overall total contributions.

6. *Proffer VII.F: Please revise the last sentence to read: "These improvements will be constructed prior to the issuance of the first townhouse occupancy permit in Land Bay 2 for the Property." This change will make the language consistent with proffer VII.G.*

Proffer VII.F. has been revised to address an OTS review comment.

7. *Proffer IX.A: I believe Loudoun General Services is now responsible for maintaining stormwater management facilities. If this is the case, this should not be an HOA responsibility.*

The last sentence of the referenced proffer has been revised to include the phrase "or the County" to cover such a situation.

Jane McCarter
July 21, 2010
Page Three

Virginia Department of Transportation (comments dated 4/26/10)

We have no objection to the approval of this application.

Comment acknowledged.

Office of Transportation Services (comments date 7/2/10)

1. OTS concurs with the traffic study's recommendation that traffic signal timing needs to be optimized at the Gloucester Parkway/Ashburn Road intersection. With the opening of the Route 7/Claiborne Parkway interchange in 2007, traffic patterns have changed such that there is more traffic on Gloucester Parkway and less traffic on Ashburn Road. OTS has received other inquiries/communications from the public regarding the timing of this signal, and has relayed this information to VDOT. OTS staff will again follow up with VDOT to ensure that the appropriate signal timing changes have been made.

Comment acknowledged.

2. The traffic study notes that Alternative 2 (with the Deerview Drive/Stubble Road connection in place) results in better levels of service than Alternative 1 (without the street connection). OTS recommends that Alternative 2 be pursued, as this would result not only in better LOS (as indicated by the study) but also would result in increased street connectivity, which is consistent with policies contained in the Revised General Plan and the Countywide Transportation Plan.

The CDP, as revised March 8, 2010, and Proffer VII.D. provide for the Deerview Drive/Stubble Road connection by utilizing a round-about.

3. Given the traffic study's assumption that Stubble Road would be paved in Alternative 2, the Applicant's proposal (per draft Proffer VII.F.) to leave Stubble Road in an unpaved condition calls the validity of the study's results into question. The Applicant should construct a paved, two-lane section of Stubble Road (as assumed by the traffic study) to a standard that is acceptable to VDOT. OTS would support such an improvement as part of the Applicant's proposed regional transportation improvement contribution in the March 12, 2010 draft proffer statement (Proffer VII.B).

OTS required the traffic study to assume that Stubble Road would be paved, presumably to ascertain the impacts of cut-through traffic that would be more likely to use a paved Stubble Road. The Applicant has met on several occasions with the residents on Stubble Road and on Deerview Drive and it is the preference of the residents not to improve Stubble Road so to discourage cut-through traffic between Ashburn Road and Gloucester Parkway. Furthermore, additional right-of-way would be needed to improve Stubble Road as a paved two-lane road.

The Applicant has re-examined Alternative 2 with the unpaved Stubble Road condition and has found that the results of the traffic study remain valid. Please see the attached memo from T3 Design.

Jane McCarter
July 21, 2010
Page Four

4. *The Applicant's March 12, 2010 response letter indicates that the proposed roundabout would allow for "lower design speeds to be used on Deerview Drive, thereby reducing the impact of sight distance easements on adjacent lots." OTS is not opposed to a roundabout at the site entrance intersection, but notes that approval of such a feature rests with VDOT, and that further review and approval by VDOT is required. Final approval of the design of any road improvements and necessary easements falls under the purview of VDOT. Should a roundabout not be allowed at this location, the sight distance easements will need to meet applicable VDOT standards, and appropriate alternative intersection control (as determined by VDOT) should be provided.*

Comment acknowledged. The Applicant has discussed the round-about proposal with VDOT and, as noted in its 4/26/10 review letter, VDOT has no objections to the revised application.

5. *The language regarding the construction of the Deerview Drive extension, proposed roundabout, and connection to Stubble Road (draft Proffers VII.D. and VII.F) should be revised to state that these improvements shall be under construction prior to the issuance of the first overall (not townhouse) zoning permit for the Property and open for use prior to the issuance of the first overall (not townhouse) occupancy permit for the Property.*

The referenced proffers have been revised to require that the referenced improvements are open for use, but not necessarily accepted for maintenance by VDOT, prior to the issuance of the first residential occupancy permit for the Property.

6. *The proposed cash in lieu amount for a traffic signal at the Gloucester Parkway/Deerview Drive/Laurel Ridge Drive intersection (draft Proffer VII.C) should be revised to \$275,000.00 to reflect current traffic signal costs.*

The Applicant has proffered to construct the signal, if warranted, prior to the build-out of the Property. If the signal is not warranted, the Applicant has proffered a contribution of \$200,000 that the County may use for a signal, when warranted by VDOT, or for other regional transportation improvements in the Broad Run District. The Applicant has separately proffered more than \$300,000 for regional transportation improvements, thereby providing the County with over \$500,000 to use for a signal and/or other regional transportation improvements.

7. *The proposed transit capital costs contribution (Proffer VII.A) should be revised to \$575.00 per unit to reflect increased costs and for consistency with other recently approved residential applications.*

The Applicant has agreed to increase this contribution to \$575 per unit, as requested.



Jane McCarter
July 21, 2010
Page Five

We believe this response letter, the draft proffers, and the amended Application plans address all remaining staff comments. We look forward to the Planning Commission work session in September.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

Cooley LLP

A handwritten signature in black ink, appearing to read "Jeffrey A. Nein".

Jeffrey A. Nein, AICP
Senior Land Use Planner

Enclosure

cc: Bruce A. Gould, P.E.
David T. McElhaney, P.E., Urban, Ltd.
Colleen Gillis Snow, Esq., Cooley LLP

436683 v1/RE

From: Nein, Jeffrey [jnein@cooley.com]
Sent: Thursday, April 22, 2010 10:47 AM
To: Mccarter, Jane; Stein, Theresa
Cc: bgould@petersoncos.com; Snow, Colleen Gillis; David T. McElhaney (dmcelhaney@urban-ltd.com); Alvis H. Hagelis (ahagelis@urban-ltd.com)
Subject: ZMAP 2005-0019, Belmont Estates / Response to Zoning Review Comments
Attachments: Response.pdf; RE-#268850-vrtf-Belmont_Estates_Proffers.DOC

Jane/Theresa: Thanks for the 3/22/10 Zoning comments on the Belmont Estates rezoning case. I do want to clarify for Theresa that we had previously responded to the 8/13/09 Zoning comments with our submission dated 9/17/09. A copy of that response letter is attached for your reference. Also, inasmuch as the proffers have been revised several times since Zoning's 8/13/09 review comments, we are providing for Theresa's benefit a comparison of the latest proffers with the 6/19/09 version last reviewed by Zoning.

That being said, here is our response to the 3/22/10 Zoning comments:

1. The requested modification of Section 3-509(C) was previously amended with our 9/17/09 submission to include a reduction of the 50 foot buffer to 20 feet for portions of the southern property line adjacent to the abutting CR-2 district. The Statement of Justification clearly states that this requested reduction is for the areas near the turn-around/round-about and Lot 21 and will not impact the provision of the required 20-foot wide landscaped buffer.
2. With our 9/17/09 submission, we did provide references to the conditions of Sections 3-511(A) and 4-110(B) as requested in the modifications of those sections regarding the use of a private street to serve the existing SFD in Land Bay 2. We respectfully disagree with staff's request to recite the Zoning Ordinance requirements of Section 3-511(A)(1) through (3) in Proffer IX.A. First of all, proffers are voluntarily offered to establish development conditions beyond those required by the Zoning Ordinance. Secondly, Proffer IX.A. deals only with HOA responsibilities, while Section 3-511(A)(1) through (3) deals with the information regarding the maintenance of private streets to be shown on plats, deeds, and sales literature that have nothing to do with the HOA. Finally, the County's review of the required plats and deeds will ensure that the required language regarding the maintenance of the private streets is included in those recorded documents. Please remember that we have requested this private street ZMOD because the right-of-way needed for a public street would severely impact the front yard of the existing SFD in Land Bay 2.
3. Section 4-109(A). We respectfully disagree that the revised CDP provides only one access point. The 3/12/10 response and documents clearly point out that access to the property will be provided from both Deerview Drive and Stubble Road, as recommended by the Planning Commission and staff, by way of the round-about at the site entrance. Furthermore, the unpaved portions of Graves Lane and Stubble Road that are proposed to be vacated will be replaced by a new public street that will provide improved access for those existing parcels to the west of this property. It is noted that the existing street system provides only one access point (Stubble Road) for this property and all parcels to the west.
4. Section 4-2104(B)(1)(a). We respectfully disagree that the revised CDP does not satisfy the street connectivity requirement of this section. As noted above, the unpaved portions of Graves Lane and Stubble Road within the Village Conservation Overlay District that are proposed to be vacated will be replaced by a new public street that will connect to the existing public street system (Deerview Drive and Stubble Road) and will also provide connectivity with the parcels to the west.



5. Section 4-2104(B)(2)(a). We respectfully disagree with staff's comments regarding the requested modification of this section. Not only has the revised lot layout within the Village Conservation Overlay District provided larger and wider corner lots, it also provides a variety of lot widths and shapes, if not always vastly different lot sizes. As we pointed out in our 9/17/09 submission, this portion of the Village Conservation Overlay District is far removed from the established village pattern within the Village of Ashburn, and is immediately adjacent to PD districts developed with townhouses and single family detached dwellings on fairly uniform lots.
6. Section 4-2104(B)(5). We appreciate the heads-up regarding the typical SFD lot detail provided on Sheet 5 of the rezoning plan set. We will revise this graphic to depict the proposed garage setback of at least 6 feet for the SFD lots in the Village Conservation Overlay District.
7. Section 7-803(E). The active recreation requirement of this Section is provided in a tabulation provided on Sheet 7. Proffer IV describes the types of active recreational amenities that will be provided and we are confident that the areas depicted on the CDP as Active Recreation will fulfill the active recreation requirement of this section when site plans are submitted.
8. Section 7-803(F)(2). We respectfully point out that the referenced Section states "Units shall front on a public road, unless the development has received approval for private roads." As stated in our 9/17/09 response, Section 3-511(A) clearly allows private streets for townhouses and we have requested modifications of the applicable Zoning Ordinance sections to allow the one existing SFD in Land Bay 2 (which currently has no public street frontage) to be served by a private street constructed to FSM standards. Approval of requested modifications 2 and 5 will give the private road "approval" referenced in Section 7-803(F)(2). For these reasons we do not believe a modification of this section is called for.
9. With respect to the wetlands area on Lots 20 and 21 (not 21 and 22), we noted in our 9/17/09 response that a wetlands permit has been issued for the by-right subdivision plan, which also shows lots in this same area.
10. As noted in our 9/17/09 response, Note 4 was added to the proffered CDP to clarify that the possible preservation of any of the identified specimen trees will be determined at the time of final engineering. If any such trees cannot be safely preserved, they will be removed.
11. With respect to the PD-H open space tabulation on Sheet 7, our 9/17/09 response confirmed that the open space calculation was based on the gross site area minus only the public street area. However, we have recalculated the area of the public street dedication within the property to be 1.53 acres rather than 1.61 acres. We have made the necessary adjustments to this tabulation.
12. With respect to tree stand areas and specimen tree locations, our 9/17/09 response noted that the requested information is provided on Sheet 9 of the rezoning plan set. Again, please refer to Note 4 on the proffered CDP regarding the possible preservation of specimen trees.
13. With respect to Proffer I, we noted in our 9/17/09 response that the information provided on Sheets 7 and 8 is included to demonstrate the conformance of the proposed CDP layout with selected Ordinance requirements and Plan policies. Again, final engineering will dictate the specific quantities/areas provided for conformance with all applicable ordinance requirements. The number of ADUs based on the total number/mix of units requested is noted on the CDP.
14. With respect to Proffer IV, which was revised with our 9/17/09 response, all of the identified recreational amenities will be provided prior to the issuance of the first SFA occupancy permit in Land Bay 2. With respect to minimum areas, we have previously committed to a minimum area for the picnic pavilion. The land areas needed to meet with minimum active recreation area requirements will be identified on the site plans.

15. With respect to the requested measurement of the tree canopy area, we acknowledge that a tabulation of the total Tree Conservation Area shown on the CDP was inadvertently omitted. A note has been added to the CDP with this information to allow for the administration of the 80% preservation commitment provided in Proffer VIII.A.2.

16. With respect to Proffer VIII.B., the CDP was previously amended to clearly identify the limits of disturbance/clearing and grading adjacent to the Eastern Red Cedar Fence Row.

17. With respect to the proposed vacation of portions of Graves Lane and Stubble Road, our 9/17/09 response acknowledged that these vacations will need to occur prior to or in conjunction with the approval of subdivision and site plans. If the vacations are not approved, the approved CDP will need to be amended.

We trust that these responses address staff's questions. We are happy to meet with you if further clarification/explanation is needed. We want to be on the same page when we go back to the Planning Commission.

Thanks for your help. Do not hesitate to contact me if you have any questions.

Jeffrey A. Nein, AICP
Senior Land Use Planner
Cooley Godward Kronish LLP ♦ One Freedom Square
11951 Freedom Drive ♦ Reston, VA 20190-5656
Direct: 703-456-8103 ♦ Fax: 703-456-8100
E-mail: jnein@cooley.com
Bio: www.cooley.com/JNein ♦ Practice: www.cooley.com/real estate

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. If you are the intended recipient, please be advised that the content of this message is subject to access, review and disclosure by the sender's Email System Administrator.

IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachment) is not intended or written by us to be used, and cannot be used, (i) by any taxpayer for the purpose of avoiding tax penalties under the Internal Revenue Code or (ii) for promoting, marketing or recommending to another party any transaction or matter addressed herein.

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: March 22, 2010

TO: Jane McCarter, Planner, Department of Planning

FROM: Theresa M. Stein, Planner, Zoning Administration

CASE NUMBER AND NAME: ZMAP 2005-0019, Belmont Estates, 5th submission –
Response to Planning Commission Worksession Comments

TAX/MAP PARCEL NUMBER: /62////////32/, /62////////30/, /62///1////1/, /62////////29D,
/62///1////2/, /62////////29/

MCPI: 085-45-6228, 085-45-2602, 085-45-2233, 116-40-8424,
116-30-9195, 116-40-7623

The fifth submission of documents, titled "Response to PC Worksession Comments," revised through March 12, 2009, was reviewed. The applicant did not respond to staff's 4th submission comments, dated August 13, 2009. Staff received a plat, revised through March 10, 2010, a Statement of Justification, revised March 12, 2010, a Proffer Statement dated March 12, 2010, and a Proffer Statement, revised March 12, 2010, which was redlined. Staff notes that not all additions/deletions were redlined. The applicant has revised the proposal to construct 21 SFD units and 48 SFA units, in addition to the one existing SFD unit. The following comments remain outstanding:

I. R-8 Single Family Residential (Section 3-500):

1. Section 3-509(C): The applicant seeks to reduce the 50' minimum permanent common open space buffer required between the proposal and an adjoining development that has a minimum lot size of 6,000 sf or greater. They request a reduction along the western boundary to 25' and a reduction to 10' along the northern and eastern boundary. The applicant has not requested a modification to the southern boundary; however, a portion of the buffer area is greatly reduced near the Deerview roundabout. The 50' buffer would extend to the intersection of the buffer required/requested along the eastern property line. Therefore, provide the buffer or request a modification for the southern boundary in the area of the roundabout... Section 4-109(C) applies to the northern boundary (see below). Section 3-509(C) also applies to the western and eastern boundary. The applicant seeks to reduce the common open space buffer along the eastern boundary from 50' to 10'. The proposed CDP does not show the buffer, nor does the Zoning Modification tabulation on sheet 3 of the CDP adequately identify the location of the requested modification....
The size of the buffer modification has been reduced, however, the applicant still needs to modify this section to allow for a reduction in the required 50' in the southeast corner of the property, where the traffic circle is proposed.

2. Section 3-511(A): The applicant seeks a modification to allow private roads to serve the Landbay 2 townhouses as well as the existing SFD unit that will remain in Landbay 2. State the FSM private road category proposed and the proposed road widths. Revise the Zoning Modification #1 tabulation on sheet 3 as the conditions in Section 3-511(A)(1)-(3) must be met. A modification to 4-110(B) requires that 4-110(B)(1) through (3) be met. Again, state the modifications individually.... In addition, revise Proffer IX.A. to include covenants and disclosures on plats, promotional material, etc. per Sections 3-511(A)(1) through (3).

The language of the proffer was not revised as requested.

II. Planned Development-Housing (Section 4-100):

3. Section 4-109(A): Principal vehicular access points are required to be designed to encourage smooth traffic flow and streets are not to be connected with streets outside the district that encourage through traffic... There is no smooth traffic flow as all 73 units, in addition to any additional traffic from units to the west of the proposal, must enter and exit through a neighborhood street that was a cul-de-sac, but is now being reconfigured into a roundabout. Graves Lane and Stubble Road are proposed to be vacated and access cut further limiting smooth vehicular patterns. The proposal continues to have unwieldy and awkward access that does not meet this Ordinance requirement.

The street configuration is improved, however, there continues to only be one access point through another residential neighborhood.

III. Village Conservation Overlay District (Section 4-2100):

4. Section 4-2104(B)(1)(a): Development plans shall continue all stubbed or planned to be stubbed streets to the boundary of the development. The proposal does not meet this requirement. Stubble Road and Graves Lane are being vacated, and all the SFA units in Landbay 2 propose stubbed streets. The proposed development has one way in and one way out, limiting the connectivity and smooth flow of traffic for 73 dwellings, and using the Ridges of Ashburn neighborhood to the east as the only access point.

Remains outstanding. See comment above.

5. Section 4-2104(B)(2)(a): The applicant requests to modify the variation in lot size. The Ordinance requires that no more than 33% of all lots shall be within 500 sf of each other. The applicant seeks to eliminate this requirement so that all of the new SFD lots have similar lot sizes and dimensions. The justification is that the applicant is preserving nearly 50% of the site area as open space and is incorporating the guidelines of the VCOD. The Ordinance allows modifications to requirements if they are innovative, improve upon the regulation, or exceed the public purpose, therefore, the applicant has not demonstrated that the requested modification meets the criteria. In addition, a large portion of the open space is minor floodplain or wetlands, which has limited development potential. The applicant is attempting to take "credit" (something above the norm) for meeting an Ordinance requirement....

Comment remains outstanding.

6. Section 4-2104(B)(5): The applicant seeks to eliminate the requirement that front loaded garages be setback 20' behind the front line of all principal buildings. The

justification does not meet the criteria in 6-1504 (see above comment). A garage being a prominent feature of a SFD is not neo-traditional in design, nor is it echoing the development pattern of a traditional village.

Comment remains outstanding. The applicant has modified the request to reduce the 20' setback to 6-feet; however, the typical provided on sheet 5 of the plat continues to show garages aligned with the front line of the building.

IV. Affordable Dwelling Unit R-8 (Section 7-800):

7. Section 7-803(E): Active recreation space shall be accessible to all residents by an internal walkway. The existing SFD does not have a trail to either of the designated active recreation spaces. It is connected to the recreation spaces only via its frontage on Graves Lane.... In addition, sheet 8 (and 3, 5, 6, 7) states that a total of 1.34 acres of active recreation space will be provided. Active recreation space is defined as "flat, open, well-drained usable space configured in squares or greens. Active recreation space may include facilities such as ballfields, tennis courts...tot-lots". Active recreation space may also include picnicking, boating, fishing. The applicant is proposing to place the majority of active recreation space within the floodplain, which is not "well-drained" and the usability greatly hampered.... Revise the active recreation space to only include those areas that meet the Ordinance definition. If the applicant proposes to use existing ponds for boating or fishing, which would count as active recreation space, highlight its location on the CDP and provide a proffer that protects and enhances those ponds for recreational uses.

The existing SFD has been given access to the recreational and open space, but the remainder of the comment remains outstanding. Nothing was provided to demonstrate that the active recreation space meets the definition and no proffer provided regarding the enhancement of the pond.

8. Section 7-803(F)(2): All units are required to have public road frontage unless otherwise approved. Landbay 1 now is proposing to have all public streets (label the road serving lots 2-11 as public), but the applicant stated in a prior submission that they wish to modify this section, and must do so in order to have private roads in Landbay 2 serving the existing SFD and all the SFA. As stated in prior referrals, add this modification to the list on sheet 3, as well as Zoning Ordinance Modification document, and provide a justification.

Comment remains outstanding. A modification was not added.

V. Other/Plat:

9. Lots 21 and 22 are proposed in existing wetlands. Provide evidence that the Corps of Engineers has approved the location of lots/houses within the wetland area. Staff defers to ERT for additional comment on the location of houses in a wetland.

Comment remains outstanding.

10. Note 2 on sheet 3 states that specimen trees will be saved, if possible. Provide in the Proffer Statement and the plat the criteria and rules under which specimen trees will be removed and what devices or methods will be used to protect those trees.

Comment remains outstanding.

11. Revise the acreage used to calculate the total open space provided in the PD-H Open Space Provided tabulation on sheet 7. The calculation shows the gross acreage of 20.59 being used when, in fact, based upon the percentage, the net area of 19.06 is actually used. Confirm that the deduction from the gross acreage is only public road right-of-way and that none of the private streets are being deducted from the net area.
Comment remains outstanding.

12. On sheet 9 provide a map that clearly shows the location of the 4 tree stand areas and the location of the specimen trees. Determine if any of the specimen trees will be preserved and provide for their protection in the Proffers, as well as indicate on the plat that they will remain.
Comment remains outstanding.

VI. Proffer Statement dated June 19, 2009:

13. Add to Paragraph I that sheet 7 and 8 are part of the CDP as they provide details about the provision of open and active recreation space. Also revise the number of ADU's being provided in the proffer or on the CDP as the numbers differ.

Comment remains outstanding. The development is only proffered to be in substantial conformance with sheet 6 and other sheets have critical information.

14. As requested previously, in Paragraph IV, it states that construction will take place in conjunction with development of adjacent residential and streets and infrastructure. The open space and recreational areas are central to the development, so it is unclear whether the development of recreation space will be due when Landbay1 or 2 begins development. Clarify the timing of the provision of the recreation space, provide the minimum that will be provided in each area, provide more specifics on what will be provided in each area, and keep in mind the prior comment about active recreation being in well drained areas. Also, provide a definition of "necessary infrastructure".
No minimums are provided.

15. As requested with the previous referral, Paragraph VIII.A.2 references a minimum area of canopy to be preserved in the Tree Conservation Area, however, no measurement of canopy is provided; therefore, it is difficult to determine if 80% of said canopy has been preserved. Provide an existing amount that will allow for measurement. The proffer allows for replacement of lost canopy within the 80%, but does not provide a standard for replacement.

Comment remains outstanding.

16. Label the area referenced in Paragraph VIII.B. so that it is clear which area will be outside of the limits of clearing and grading.

Comment remains outstanding.

17. The Statement should address the vacation of Graves Lane and Stubble Road and its timing, as well as the repercussions if the vacation does not take place. Further, to implement this development plan, the road vacations will need to precede the Landbay development.

Comment remains outstanding.

**BELMONT ESTATES
ZMAP 2005-0019**

PROFFER STATEMENT

July 16, 2010

Pursuant to Section 15.2-2303, Code of Virginia (1950), as amended, and Section 6-1209 of the Revised 1993 Loudoun County Zoning Ordinance, as amended (the "Zoning Ordinance"), Belmont Land LC (the "Owner" and "Applicant"), as the owner of property described as Loudoun County Tax Map 62, Parcels 29, 29D, 30 and 32 and Tax Map 62(1), Parcels 1 and 2 (MCPI # 116-40-7623, 116-40-8424, 085-45-2602, 085-45-6228, 085-45-2233 and 116-30-9195) (the "Property"), on behalf of itself and its successors in interest, hereby voluntarily proffers that the development of the Property subject to ZMAP 2005-0019 shall be in substantial conformity with the proffers as set forth below.

All proffers made herein are contingent upon approval of (i) ZMAP 2005-0019 and the rezoning of the Property to the Planned Development – Housing 4 ("PD-H4") zoning classification, administered as R-8, under the Zoning Ordinance, including the requested modifications of the Zoning Ordinance described below, and the Concept Development Plan, as defined below.

I. CONCEPT DEVELOPMENT PLAN

The development of the Property shall be in substantial conformity with the Concept Development Plan (included by reference as Exhibit A) (the "CDP"), identified as Sheet 6 of the Belmont Estates Rezoning Application plans dated May 2005, as revised through July 14, 2010, prepared by Urban, Ltd. Minor adjustments to the locations of the proposed uses, facilities and improvements shown on the Concept Development Plan shall be permitted to address grading, drainage, environmental, cultural and natural features, development ordinance requirements, and other final engineering considerations, and to accommodate the recommendations of archaeological studies. Development of the Property will comply with the Affordable Dwelling Unit (ADU) regulations of the Zoning Ordinance. ADUs equal to 12.5% of the total number of units shown on the approved subdivision plats for the Property will be provided among the single family attached units.

II. DEVELOPMENT SCOPE

Development of the Property will include a maximum of 70 residential units, including all required ADUs, with related privately-owned community facilities and active recreation areas. The mix of residential units shall include up to 22 single-family detached units, including 1 existing single-family detached unit in Land Bay 2, and up to 48 single-family attached units. The Property will be developed using public water and sewer with such facilities provided to the Property at no cost to the County or to the Loudoun County Sanitation Authority. The Applicant

ATTACHMENT 5

will ensure that any existing wells and drainfields on the Property will be abandoned prior to the recordation of the first residential record plat for the Property.

III. ZONING ORDINANCE MODIFICATIONS

The Applicant shall develop the Property in accord with the granted the zoning ordinance modifications included in attached Exhibit B for the development of the proposed PD-H4 district.

IV. RECREATIONAL AMENITIES AND SIDEWALKS

The Applicant shall provide active and passive recreational amenities, such as, but not limited to, tot lots with age-appropriate recreational equipment (such as, but not limited to, swings, a swing set, a slide and/or a see-saw), play field and/or volleyball court, fishing pond, picnic pavilion (minimum of 24' by 24') with at least four picnic tables, seating for the existing gazebo, trail network (including permeable trails and raised boardwalk-style trail crossings within the minor floodplain), and sidewalks within the Property, with the construction of all such items to be done in conjunction with the development of the adjacent residential areas and the construction of the internal streets and necessary infrastructure. The tot lot and trails within Land Bay 2 shall be completed and open for use prior to the issuance of the 25th townhouse occupancy permit. All recreational amenities shall be completed and open for use prior to the issuance of the 50th residential occupancy permit.

V. CAPITAL FACILITIES

The Applicant shall make a one-time, per unit capital facilities contribution of \$28,232.58 for each market rate unit. The contribution shall be paid prior to the issuance of each market rate residential zoning permit. The Board of Supervisors may allocate said contribution at its discretion.

VI. EMERGENCY SERVICES

Prior to the issuance of each market rate residential zoning permit, a one-time contribution of \$138.00 per unit for each market rate residential unit shall be paid to the County for distribution by the County to the primary volunteer fire and rescue companies providing service to the Property. Said contribution shall escalate on a yearly basis from the base year of 1988 and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI"). For the purpose of this Section, a market rate residential unit includes each market rate single family detached dwelling unit and each market rate single family attached dwelling unit, excluding any approved accessory unit. Contributions pursuant to this paragraph shall be divided equally between the primary servicing fire and rescue companies providing service to the Property. Notwithstanding the foregoing, at such time as the primary fire and rescue services to the Property are no longer provided by incorporated volunteer companies, the obligation to make the contributions listed within this paragraph shall cease. The intent of these provisions is to support a volunteer fire and rescue system so long as a volunteer system is the primary provider of fire

and rescue services to the Property. If only one of these services ceases to be provided by a volunteer company, then the contribution shall be halved and shall continue to be provided to the remaining volunteer company.

VII. TRANSPORTATION

A. Transit Capital Costs Contribution

The Applicant shall contribute \$662.25 per market rate residential unit to the County to be used at the discretion of the Board of Supervisors for the purchase of transit buses, for other transit-related capital projects, or for regional transportation improvements in the Suburban Policy Area, as defined in the Revised General Plan. This contribution shall be made prior to the issuance of each market rate residential zoning permit.

B. Regional Transportation Improvement Contribution

The Applicant shall contribute \$5,175.00 per market rate unit to the County to be used for regional transportation improvements in the immediate vicinity of the Property. This contribution shall be made prior to the issuance of each market rate residential zoning permit.

C. Traffic Signal at Deerview Drive and Gloucester Parkway

The Applicant shall fund a traffic signal warrant analysis, prior to issuance of the 35th residential zoning permit for the Property, for a traffic signal for the intersection of Deerview Drive and Gloucester Parkway. If such traffic signal is warranted, as determined by VDOT, the Owner shall submit construction plans to VDOT for a pedestrian-activated traffic signal prior to issuance of the 45th residential zoning permit for the Property. The traffic signal will be installed within six months of VDOT's approval of the construction plans. In the event the traffic signal is not warranted, then prior to the issuance of the 50th residential zoning permit for the Property, the Owner shall contribute \$200,000 to the County for a future traffic signal at the intersection of Deerview Drive and Gloucester Parkway or for other transportation improvements in the Broad Run District.

D. Extension of Deerview Drive

The Applicant will construct the extension of Deerview Drive, including a round-about, as depicted on the CDP. The Applicant will be responsible for the acquisition of any off-site right-of-way required for these improvements. The extension of Deerview Drive and the round-about will be open for use, but not necessarily accepted for maintenance by VDOT, prior to the issuance of the first residential occupancy permit for the Property.

E. Vacation/Abandonment of Stubble Road

The Applicant will initiate and diligently pursue the public process to vacate/abandon the portion of Stubble Road adjacent to Land Bay 1 in conjunction with the construction of the extension of Deerview Drive and the proposed round-about depicted on the CDP.

F. Stubble Road Improvements

The Applicant will construct the improvements necessary to connect Stubble Road with the round-about referenced above in Proffer VII.D., including transitions to the existing unpaved portion of Stubble Road. The Applicant will be responsible for the acquisition of any off-site right-of-way required for these improvements. These improvements will be open for use, but not necessarily accepted for maintenance by VDOT, prior to the issuance of the first residential occupancy permit for the Property.

G. Graves Lane

The Applicant will vacate the portion of the existing Graves Lane ingress/egress easement located between Stubble Road and the proposed 55' Public Road depicted on the CDP in conjunction with the approval of the construction plans for the proposed 55' Public Road. The Applicant will construct a two-lane private street to FSM standards within the existing 50-foot wide ingress/egress easement for Graves Lane located between the proposed 55' Public Road and the western boundary of the Property and/or within a new ingress/egress easement in this same location. The two-lane private street will be completed prior to the issuance of the first occupancy permit for the townhouse units in Land Bay 2 and will be maintained by the HOA.

H. Emergency Access for R-1 Parcel

The site plan and subdivision plan for Land Bay 2 shall depict the location of a future emergency access connection for the benefit of the adjacent parcel to the west identified as PIN: 116-40-4707 and currently zoned R-1 (the "R-1 Parcel"). In the event the R-1 Parcel is developed at a density of no more than 4 units per acre subsequent to the development of Land Bay 2 and is required by the County to provide emergency access through Land Bay 2, the Applicant will grant an emergency access easement in such location to connect with the emergency access easements established within Land Bay 2. The Applicant shall not be responsible for any costs, plan and document preparation and processing, or construction associated with such emergency access.

VIII. ENVIRONMENT

A. Tree Conservation and Tree Protection

1. The Applicant shall establish a tree save area in the location shown on the CDP as the "Tree Conservation Area." Clearing in this area shall be permitted only for the construction of utilities, storm water management facilities, recreational facilities, trails and sidewalks, and any such clearing shall be limited to the minimum area required for said construction.

2. A minimum of eighty (80) percent of the canopy within the cumulative Tree Conservation Area depicted on the CDP will be preserved, exclusive of stands of Virginia Pine over 25 years in age. In the event that the eighty (80) percent canopy threshold cannot be achieved within the designated Tree Conservation Areas, such lost canopy will be recaptured elsewhere onsite in locations to be designated at the discretion of the Owner in consultation with

the County's Urban Forester. Boundaries of all Tree Conservation Areas shall be delineated on the record plat recorded for each section of the development. Construction plans shall clearly define the limits of the tree save area and all such areas shall be clearly marked in the field. Tree protection fencing shall be placed outside the drip lines along the tree save area prior to commencing land-disturbing activities. The Applicant reserves the right to remove, in consultation with the County's Urban Forester, any dead, damaged, dying or diseased trees and vegetation, and any tree or vegetation that interferes with the construction, proper functioning and/or use of any utility or drainage easement, or creates a danger to property or persons.

3. If, during construction on the Property, it is determined by the Owner's certified arborist, in consultation with the County's Urban Forester, that any healthy tree located within the boundaries of any of the Tree Conservation Areas described in this proffer has been damaged during construction and will not survive, then the Owner shall remove each such tree and replace each such tree with two (2) 2½ - 3 inch caliper native, non-invasive deciduous trees. The species of the replacement trees shall be of comparable species as the damaged trees, and the placement of the replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area determined in consultation between the Applicant and the County's Urban Forester.

4. The HOA documents shall include a provision that prohibits removal of trees in Tree Conservation Areas, as shown on the record plat, after construction has been completed by the Applicant, without specific permission of the County's Urban Forester except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability of the canopy. Such Management Techniques may include, without limitation, pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The HOA documents shall clearly state that such provisions prohibiting tree removal shall not be amended by the Owner or the HOA without written approval from the County, such approval not to be unreasonably conditioned, withheld or delayed. The record plat for each portion of the Property containing a Tree Conservation Area shall contain a note stating that the removal of trees within a Tree Conservation Area is prohibited except in accordance with the Declaration of Covenants.

B. Red Cedar Fence Row Along W&OD Trail

The Eastern Red Cedar Fence Row, located along the southwestern Property boundary adjacent to the W&OD Trail, shall be placed outside of the limits of clearing and grading and Applicant and its agents shall take commercially reasonable steps not to disturb this area other than for necessary utility and trail crossings. Construction plans shall clearly define the limits of clearing and grading.

C. Geographic Information System Information

The Applicant will provide any digital data it has in its possession to the County for the Property's approved wetland delineation concurrently with the approval of the first record plat, or first site plan for the Property, whichever is first in time.

D. Energy Efficient Design

All proposed residential units will be required to attain Energy Star certification prior to the issuance of the occupancy permit for each unit.

E. Construction Waste Management

Prior to the approval of the first record plat or site plan for the Property, whichever occurs first, the Applicant shall provide the County with a Construction Waste Management Plan (the "Plan") for diverting from landfill disposal at least 50 percent of the construction debris generated by construction on the Property. The Plan shall outline specific waste streams and identify the means by which waste will be managed (reused, reprocessed on-site, removed by licensed haulers for reuse/recycling, etc.). The Applicant shall implement the Plan throughout the period of construction on the Property.

F. Off-Site Stormwater Drainage

The Applicant shall design the stormwater drainage system for the Property to ensure the safe conveyance of stormwater runoff from the existing off-site stormwater management pond located to the east to the minor floodplain located on the Property without impacting any of the proposed residential units on the Property.

G. On-Site Water Quality

The Applicant shall provide water quality measures by the use of the two existing ponds on the west side of the Property and possibly by a proposed facility on the southeast side of the Property, as shown on the CDP. In the event the outfall structures and/or dam embankments for the existing ponds need to be replaced, the Applicant will design and rebuild the ponds in accordance with current water quality standards. If the existing ponds do not need to be rebuilt, the Applicant will implement low-impact design measures to enhance the water quality functions of the existing ponds. The selected approach will be completed prior to the issuance of the first townhouse occupancy permit for the Property.

IX. HOMEOWNERS ASSOCIATION

A. HOA General Responsibilities

All property owners at the Property shall be members of the Homeowners Association ("HOA") established to regulate use and provide standards for the construction, landscaping and use of privately owned land and structures within the Property; provided, however, that the Applicant reserves the right to exclude the existing property identified as PIN: 116-30-9195 from the HOA. The HOA shall provide landscaping and lawn maintenance for all common areas and snow removal on all private streets, and shall contract for trash removal services. The HOA shall be responsible for the maintenance of all common recreational facilities and buildings, all stormwater management facilities, all private streets, and all sidewalks not otherwise maintained by the Virginia Department of Transportation ("VDOT") or the County.

B. Establishment of HOA

Prior to the approval of the first residential record plat at the Property, draft documents for the establishment of the HOA shall be submitted to the County for review and approval. The HOA shall be established prior to the approval of the first residential record plat or residential site plan for the Property, whichever is first in time. The option to be included within an existing community's HOA must be exercised, if at all, prior to the approval of the first residential record plat, or site plan, whichever is first in time, for the Property.

C. Inclusion in Existing HOA

In the event the Property is annexed into and made subject to an existing community's HOA prior to the approval of the first residential record plat or site plan for the Property, there shall be no requirement to establish a new HOA for the Property, as described above. In this event, the applicable documents for such inclusion of the Property in the existing community's HOA shall incorporate the HOA responsibilities set forth in paragraph A above and shall be submitted to the County for review and approval prior to approval of the first record plat or site plan for the Property, whichever is first in time.

X. GARAGE SPACE CONVERSION RESTRICTION

Prior to the approval of the first record plat or site plan, whichever is first in time, for any of the proposed single-family attached and single-family detached units on the Property, the Applicant shall record a restrictive covenant against the Property, as part of the applicable HOA documents, that requires at least one garage parking space in all single-family attached and single-family detached units to be retained for the storage of vehicles.

XI. ESCALATOR

Unless otherwise specified, all cash contributions enumerated in these proffers shall be subject to an annual escalator based on the CPI with a base year of 2010. This escalator shall take effect on January 1 of 2011 and change effective each January 1 thereafter.

XII. LIGHTING

Lighting at the Property shall be designed and constructed with cut-off and fully shielded lighting fixtures so that the light will be directed inward and downward toward the interior of the Property.

The undersigned hereby warrant that all owners with a legal interest in the Property have signed this Proffer Statement, that they, together with the others signing this document, have full authority to bind the Property to these conditions, and that the Proffers are entered into voluntarily.

Owner and Applicant

BELMONT LAND, L.C.
a Virginia limited liability company

By: _____(SEAL)

Name: _____

Title: _____

STATE OF _____)

) to-wit:

COUNTY/CITY OF _____)

The foregoing Proffer Statement was acknowledged before me this _____ day of _____, 2010, by _____, as _____ of Belmont Land, L.C.

Notary Public

My Commission Expires: _____

EXHIBIT A

BELMONT ESTATES CONCEPT DEVELOPMENT PLAN

EXHIBIT B

ZONING ORDINANCE MODIFICATIONS

1. R-8 DISTRICT SETBACK MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 3-509. Additional Development Standards (C) Minimum Buffer. A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 6,000 square feet or greater. Such buffer area may be included in open space calculations."

Proposed Modifications. The Applicant requests to reduce the 50' open space buffer required by Section 3-509(C) to 25' along the eastern property boundary adjacent to Stubble Road (to be vacated) and open space zoned PD-H4, from 50' to 20' along portions of the southern property boundary adjacent to a CR-2 district, and from 50' to 30' along the western property boundary adjacent to an R-1 district, as shown on the CDP. The Type 2 rear buffer yard along the western property boundary will be augmented to include a total of four evergreen trees per 100 lineal feet.

2. R-8 DISTRICT PRIVATE STREET MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 3-511. Development Setback and Access from Major Roads. In designing residential development, the requirements of Section 5-900 shall be observed: (A) Private Streets. Roads, serving townhouse and multifamily uses only, may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met: (1) All residences served by the private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road. (2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no and will have no responsibility for the maintenance, repair, or replacement of private roads. (3) Sales brochures or other literature and documents, provided by the seller of lots served by such private roads, shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots, including a statement that the County has no and will have no responsibility for the maintenance, repair, or replacement of private roads. Roads serving other uses shall be designed and constructed to VDOT standards for inclusion in the state highway system."

Proposed Modification: The Applicant requests that the road serving the existing single-family detached unit located in Land Bay 2, as shown on the CDP, be designed and constructed to Category "A" private street standards set forth in the Facilities Standards Manual, provided that the conditions listed in Section 3-511(A) are met.

3. PD-H4 DISTRICT SIZE MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-102. Size and Location. A PD-H district, when mapped, shall be no less than fifty (50) acres in size for a PD-H3, no less than twenty five (25) in size for a PD-H 4, and a PD-H 6 district. Smaller parcels that are adjacent to and a logical extension of an approved PD-H district may be approved pursuant to 6-1500. Land may be rezoned to the PD-H district where consistent with the provisions of the residential elements of the Comprehensive Plan."

Proposed Modification: The Applicant requests that the 25 acre minimum for a PD-H4 zoning district be eliminated to permit this approximately 20-acre PD-H district, administered as R-8.

4. PD-H DISTRICT SETBACK MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-109. Site Planning - External Relationships. Site planning within the PD-H district shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. In particular and without limitation, the proposed development shall demonstrate the following features: (C) Uses adjacent to single-family, agricultural, or residential districts or land bays allowing residential uses. Where residential uses in a PD-H district adjoin a single-family residential, agricultural, or residential district or land bay allowing residential uses, or a commercially zoned development approved subject to proffers prior to adoption of this ordinance, the development shall provide for either: (1) Single family dwellings on minimum lots of (20,000) square feet or greater, exclusive of major floodplain, along such perimeter; or, (2) A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard."

Proposed Modifications: The Applicant requests to reduce the 50' open space buffer required by Section 4-109(C)(2) to 30' along the western property boundary and to 25' along the northern and eastern property boundaries, to 20' along portions of the southern property boundaries, and between 50 and 0 feet adjacent to the planned streets, as shown on the CDP. The Type 2 rear buffer yard along the western property boundary and the Type 2 rear and side buffer yards along the northern property boundary will be augmented to include a total of four evergreen trees per 100 lineal feet.

5. PD-H DISTRICT PRIVATE STREET MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-110. Site Planning - Internal Relationships. The PD-H district shall provide the following: (B) All arterial and collector streets serving a PD-H District, and all streets of any size serving residential (except townhouse and multifamily), commercial, office, institutional and industrial uses within a PD-H district, shall be designed and constructed to VDOT standards for inclusion in the state highway system. Roads serving townhouse and multifamily uses only may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met: (1) All residences served by a private road shall be subject to a recorded covenant expressly requiring private maintenance of such road in perpetuity and the establishment, commencing with the initial record plat, of a reserve fund for repairs to such road. (2) The record plat and protective covenants for such development shall expressly state that the County and VDOT have no, and will have no, responsibility for the maintenance, repair, or replacement of private roads. (3) Sales brochures or other literature and documents provided by the seller of lots served by such private roads shall include information regarding responsibility for maintenance, repair, replacement, and covenants pertaining to such lots including a statement that the County has no, and will have no, responsibility for the maintenance, repair, or replacement of private roads."

Proposed Modifications: The Applicant requests that the road serving the existing single-family detached unit located in Land Bay 2, as shown on the CDP, be designed and constructed to Category "A" private street standards set forth in the Facilities Standards Manual, provided that the conditions listed in Sections 4-110(B) are met.

6. VCOD DISTRICT LOT SIZE VARIATION MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-2104. Additional Neighborhood Development Standards. Where the following requirements conflict with other provisions of this Ordinance, then the following requirements of this Section shall apply: (B) Other Standards. (2) Variation of Lot Building Sizes. (a) In all new residential subdivisions containing six (6) or more lots, a mixture of lot sizes and dimensions shall be provided. For example, larger and wider lots are encouraged on corners. Smaller lots are encouraged adjacent to parks and open spaces. No more than 33 percent of all lots shall be similar in total lot area. For purposes of this subsection, "similar" lot areas shall be defined as within 500 square feet of each other."

Proposed Modification: The Applicant requests that Lots 1 through 16 and 18 through 21 be permitted to have similar widths and a lot area variation of less than 500 square feet.

7. VCOD DISTRICT GARAGE SETBACK MODIFICATION

Zoning Ordinance Requirements to be Modified

"Section 4-2104. Additional Neighborhood Development Standards. Where the following requirements conflict with other provisions of this Ordinance, then the following requirements of this Section shall apply: (B) Other Standards. (5) Garage locations. Front-loaded garages shall be setback at least 20 feet behind the front line of all principal buildings, except when a lot within 150 feet of, and on the same side of the street as, the subject lot has a garage setback less than 20 feet from the front lot line of all principal buildings on such lot, in which case the minimum garage setback shall be equal to the garage setback on such lot."

Proposed Modifications: The Applicant requests a modification of this Village Conservation Overlay District requirement to permit a minimum setback of at least 6 feet for front-loaded garages behind the front line of the principal building on Lots 1 through 16 and 18 through 21.

268850 v10/RE

